

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-26 to 50

Under	the Resource Management Act 1991 (RMA)
In the matter of	appeals under clause 14 of Schedule 1 of the RMA relating to the proposed Southland Water and Land Plan (pSWLP)
Between	Gore District Council, Southland District Council and Invercargill City Council (TLAs)
	Appellants in ENV-2018-CHC-31, and section 274 party to appeals: ENV-2018-CHC-37 Southland Fish & Game Council; ENV-2018-CHC-39 Alliance Group Limited; ENV-2018-CHC-40 Federated Farmers of New Zealand; ENV-2018-CHC-50 Royal Forest and Bird Protection Society of New Zealand; ENV-2018-CHC-41 Heritage New Zealand Pouhere Taonga; ENV-2018-CHC-47 Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
And	Southland Regional Council (Environment Southland)
	Respondent

Evidence of Janan Dunning

22 March 2019

Appellants' solicitor:

Michael Garbett
Anderson Lloyd
Level 10, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p + 64 3 477 3973 | f + 64 3 477 3184
michael.garbett@al.nz

**anderson
lloyd.**

Introduction

- 1 My name is Janan Saul Dunning.
- 2 I am a Principal Planner with Stantec New Zealand.
- 3 I hold a Master of Science in Geography from the University of Canterbury, and post-graduate certificates in Planning Practice, Theory and Law from Lincoln and Massey Universities. I have over 18 years' experience in resource management planning. I have been a full member of the New Zealand Planning Institute since 2008.
- 4 My planning experience is built on a range of work undertaken for private clients, District and Regional Councils across New Zealand, and central Government. I have assisted with the review and drafting of district and regional plans, including the McKenzie District Plan, Southland District Plan, Southland Regional Policy Statement, and the Christchurch District Plan. I have also prepared reports under section 32 of the RMA and have been responsible for preparing and processing plan changes. I have substantial experience working with a range of district, regional and unitary plans in preparing applications for large and often complex infrastructure projects primarily for local government clients. My experience includes providing resource management advice and preparing and leading resource consent applications and notices of requirement for a range of wastewater treatment and disposal projects, leading applications for transport network developments including for New Zealand Transport Agency Roads of National Significance, and leading the planning processes for stormwater management projects, community water supply schemes, and various large-scale irrigation schemes. From this experience I have a solid understanding of the effects of infrastructure operations, the importance of such infrastructure to environmental and community wellbeing, and the influence of policy frameworks on the provision and operation of infrastructure.
- 5 I assisted the Southland District Council, Gore District Council and the Invercargill City Council collectively (the **TLAs**) as an expert witness in the hearing process for the proposed Southland Water and Land Plan (**pSWLP**) following the TLAs' submission on the notified pSWLP. I have been engaged by the TLAs to prepare planning evidence for these proceedings.

Code of Conduct

- 6 I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2014. My evidence has been prepared in accordance with the practice note, and I agree to comply with it in providing oral evidence. My evidence is within my area of expertise, other than where I state that I am relying

on the evidence of another witness. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

7 My evidence addresses:

- (a) The relevant Objectives in respect of the TLAs section 274 notices, being Objectives 6, 7, 9, 9A, 9B, 13, 13A, 13B, 15, 17 and 18; and
- (b) The relevant provisions of the notified and decisions versions of the pSWLP in respect of the above Objectives;

8 In preparing my evidence, I have read and considered:

- (a) The pSWLP (notified and decisions versions);
- (b) The associated Section 32 report;
- (c) Environment Southland's Initial Planning Statement;
- (d) The Officer's report prepared under s42A of the RMA, and the Officer's Reply Report;
- (e) Environment Southland's Decision Report;
- (f) The relevant appeals, and associated evidence from the appellants' expert witnesses;
- (g) Evidence prepared by Mr Matthew Bayliss on behalf of Gore District Council, Mr Ian Evans on behalf of the Southland District Council, Mr Malcolm Loan on behalf of the Invercargill City Council, and Ms Susan Bennett on behalf of the TLAs collectively;
- (h) The National Policy Statement for Freshwater Management 2014 (as amended in 2017) (**NPS-FM**);
- (i) The Southland Regional Policy Statement (**SRPS**);
- (j) Environment Southland's Progressive Implementation Programme;
- (k) The evidence in chief from Environment Southland's expert witnesses.

Background and Summary

9 The TLAs lodged and were heard in support of their submission in respect of an absence of provisions in the pSWLP that addressed the establishment, operation and maintenance of community infrastructure. The role of such infrastructure in

providing for the health, safety and wellbeing of Southland's communities and environmental quality, has been addressed in evidence provided by other witnesses on behalf of the TLAs.

- 10 In response to the collective submission and evidence of the TLAs, the decisions version of the pSWLP was amended to include Objective 9B and Policy 26A. Several other provisions in the pSWLP also provide for infrastructure activities, including Policy 17A in regard to community sewerage schemes, Policy 24 in regard to water abstraction for community supply, Policy 25 in regard to prioritising the use of water, and Policy 28 regarding infrastructure assets in, and disturbance of river and lake beds. When these provisions are read as a whole, and in the context of higher order documents, I was satisfied that the matters raised in their submission had been addressed in an appropriate manner. The TLA's did not appeal any of the objectives themselves.
- 11 A number of appeals to the decisions version of the pSWLP have been filed by the parties to this topic which seek to remove or amend those objectives in ways that I consider alter the direction of the plan when considering TLA's infrastructure, its operation and consenting. Accordingly, the TLAs have joined these appeals as section 274 parties.
- 12 My evidence in respect of the appeals joined by the TLAs is set out below. In summary, I consider that the decisions version of Objectives 6, 9, 9A, 9B, 13, 13A, 13B, 17 and 18 should be retained, with some minor amendments that I have proposed to Objectives 6 and 13B.

Objectives

Objective 6

- 13 The notified version of Objective 6 was aspirational in seeking to avoid any reduction in freshwater quality, and in estuarine and coastal lagoons. The decisions version inserted 'overall' such that the objective now reads:

“There is no reduction in the overall quality of freshwater ...”.

In my opinion, the amendment is appropriate as it moves the objective from aspirational to achievable, and is in line with the sustainable management of water resources as envisaged by the RMA.

- 14 As Ms Bennett notes in her evidence¹, the use and development of land and water will result in some degree of effect on water quality – regardless of how minor. The decisions version of the objective acknowledges that effects on water

¹ From para 23, Statement of Evidence for the TLAs.

quality will occur, but may not always be inappropriate if the quality of freshwater across a Freshwater Management Unit (**FMU**) as a whole is not reduced. Several provisions of the pSWLP² anticipate effects from discharges beyond the zone of reasonable mixing as long as water quality standards are met, which is seemingly at odds with the 'no reduction' goal of Objective 6. It is conceivable, for example, that a point source discharge to surface water may reduce water quality beyond a mixing zone, but may still meet the water quality standards in Appendix E of the pSWLP, and thus would still be maintaining water quality as required by Objective 6(a). Further, such a discharge into a degraded water body may contribute to improving the receiving water quality towards Appendix E standards and could therefore meet the 'improvement' goal of Objective 6(b).

- 15 As the pSWLP is required to give effect to the SRPS and the NPS-FM under s67(3) of the RMA, I consider the decisions version of Objective 6 in the context of the those documents below.

SRPS

- 16 The provisions of Chapter 4: Water of the SRPS are relevant. Objective WQUAL.1 of the SRPS sets water quality goals for Southland, to safeguard the life-supporting capacity of water, the health of people and communities, and to meet the foreseeable social, economic and cultural needs of future generations. WQUAL.1 clearly anticipates the use and development of water, and consequently the associated effects of doing so. Objective WQUAL.1 is to achieve water quality in accordance with freshwater objectives formulated under the NPS-FM, which anticipates that *overall* water quality within a FMU will be maintained or enhanced. In my opinion, the decisions version of Objective 6 is intended to provide for some effects in a manner that gives effect to WQUAL.1 and Objective A2.
- 17 Objective WQUAL.2 seeks to halt the decline of, and improve water quality in lowland and coastal freshwater bodies, in accordance with freshwater objectives formulated under the NPS-FM. Preventing further decline and improving water quality is to be achieved over the FMU as a whole as noted in the explanation to WQUAL.2:

A whole of catchment approach will need to be taken to management of water quality in lowland water bodies, to recognise the effects of activities throughout the catchment on water quality.

[my emphasis]

² Policy 15A, Policy 15B, Rules 5, 6, 9, 10, 15, 19, 24, Appendices C and E

- 18 Some degree of localised water quality effect from the use and development of land and water is therefore anticipated. The decisions version of Objective 6 therefore gives better effect to WQUAL.2 than the notified version.

NPS-FM

- 19 The pSWLP is required to give effect to the NPS-FM under s67(3)(a) of the RMA. The pre-amble of the NPS-FM notes that³:

This national policy statement allows some variability in terms of freshwater quality, as long as the overall freshwater quality is maintained within a freshwater management unit.

- 20 The focus of Objective A1 is to safeguard the life-supporting capacity of freshwater and ecosystem processes, and the health of people and communities. The Objective anticipates adverse effects on water quality resulting from land use and development, and from the discharge of contaminants, as long as the life-supporting capacity of water is not so reduced as to no longer be safeguarded.
- 21 In my opinion, Objective A2 of the NPS-FM anticipates that maintaining or improving all aspects of water quality when using and developing land and water resources may not be possible, feasible, or desired by the community. The Objective recognises that completely avoiding any localised water quality effects of any scale at any given location is unlikely and anticipates variability in water quality as long as the maintenance or improvement of water quality across an FMU is achieved.
- 22 Similarly Objective A4 seeks to enable communities to provide for their economic wellbeing when sustainably managing freshwater quality within limits, also therefore anticipating the use and development of water, and the associated effects. In my opinion, neither objective aspires to prevent all effects on freshwater quality, and the notified version of Objective 6 would therefore be out of step with these provisions.
- 23 Objectives A1, A2 and A4 are to be implemented through the objectives and policies of the pSWLP once limits are set, and through Policy A4 in the interim. Policy A4 directs decision makers to have regard to effects on water quality when making resource consent decisions for new discharges, or changes to existing discharge permits. The policy clearly anticipates that activities will result in effects on water quality, which would be at odds with the 'no effects' form of the notified version.

³ National Policy Statement for Freshwater Management 2014 (as amended in 2017), page 5

Alternative

- 24 An alternative phrasing of Objective 6 that I consider may assist by specifically limiting any reduction in water quality to water within a defined FMU, is set out in the following amendment:

There is no reduction in the overall quality of freshwater within a Freshwater Management Unit, and water in estuaries and coastal lagoons, by:

- 25 The amendment would align Objective 6 with the NPS-FM, with the other provisions of the SRPS and pSWLP that anticipate effects resulting from the use and development of land and water, and would also resolve the previously absolute phrasing of the objective in the notified version. I am unsure whether there is scope within the appeals lodged in respect of Objective 6 that could allow the Court to consider this alternative.

Conclusion

- 26 I consider that there is clear direction in the SRPS and pSWLP policy framework to maintain and improve water quality across Southland in relation to the water quality standards in Appendix E. Requiring that there be no reduction in water quality as reflected in the notified version of Objective 6, and as sought by Ngā Rūnanga⁴, Forest and Bird⁵ and Fish and Game⁶ is not, in my opinion consistent with the higher order documents, or the sustainable management purpose of the RMA. In my view the decisions version of Objective 6 gives better effect to the relevant provisions of the SRPS and the NPS-FM, and should be retained.

Objective 7

- 27 Objective 7 has been drafted to support the implementation of freshwater objectives yet to be set through Environment Southland's FMU processes under the NPS-FM. The objective seeks to avoid 'further' over-allocation of freshwater resources (in both a quality and quantity sense) and to phase out existing over-allocation in line with the timeframes to be established under the FMU process. Objective 7 is to be implemented through Policy 15C, which will also apply once objectives and limits are established.
- 28 I understand that Objective 7 will be most relevant once the limit setting process is complete on the premise that overallocation cannot be determined until FMU

⁴ Te Runanga o Ngai Tahu & others ENV-2018-CHC-47

⁵ Royal Forest and Bird Protection Society ENV-2018-CHC-50

⁶ Southland Fish and Game Council ENV-2018-CHC-37

objectives and limits are set and timeframes for their implementation are identified. Through their Progressive Implementation Programme, Environment Southland has committed to establishing objectives and setting limits by 31 December 2025.

- 29 The change to Objective 7 sought by Fish and Game⁷ would amend the decisions version of the objective such that it would read:

Any further over-allocation of freshwater (water quality and quantity) is avoided and any existing over-allocation is phased out in accordance with freshwater objectives, freshwater quality limits and timeframes established under Freshwater Management Unit processes or earlier when considering relevant consent applications.

- 30 In my view, the addition of the proposed text would have the effect of bringing forward the consideration of whether a waterbody is over-allocated prior to the completion of the FMU process, and therefore would require decision makers to pre-determine whether a freshwater body is in fact overallocated. I do not consider that the proposed amendment is appropriate, given the purpose of the objective in supporting the implementation of the FMU process after such limits have been set.
- 31 In my view, the pSWLP provisions when read together generally seek to 'hold the line' until those limits are set, and then apply those limits to maintain or improve water quality and quantity where necessary. In the interim, suitable provisions already exist to guide decision makers, through pSWLP Objectives 3, 6, 9, 9A, 11, 12 and 17, and Policies 15B, 17A, 40 and 42 which apply to the sustainable management of freshwater quality and quantity regardless of the limit setting process.
- 32 The NPS-FM through Policy A4 also provides guidance to decision makers in the interim. The pSWLP must give effect to Policy A4.
- 33 In light of this existing policy framework, I do not consider there to be a gap that needs to be addressed by the changes proposed by Fish and Game. I also consider that the addition would become irrelevant for the remaining life of the pSWLP once limits are set in 2025. In my view the decisions version of Objective 7 should be retained.

⁷ Southland Fish and Game Council ENV-2018-CHC-37

Objectives 9 and 9A

- 34 The notified version of Objective 9 prioritised the quantity of water in surface waterbodies to safeguard a specified range of natural values, natural character, heritage and recreational values. Providing those values were first met, water was then to be made available to provide for the social, economic and cultural wellbeing of people and communities. In my view, the prioritisation of environmental values over human use values in the notified version of Objective 9 does not accord with the principle of sustainable management.
- 35 The decisions version introduced Objective 9A. The Objective seeks the sustainable management of water (quality and quantity) to provide for the economic, social and cultural wellbeing of people and communities (human use values).
- 36 The appeals by Forest and Bird and Ngā Rūnanga in particular seek various changes, including reinstating the prioritisation of environmental values. In my view, re-merging the Objectives as proposed by Mr Farrell and as recommended by Mr McCullum-Clark⁸ would reverse the clarity achieved in the decisions version. As Mr Farrell states⁹, the Objectives of the pSWLP are to be read together and applied equally, and I do not agree that separating the objectives for clarity has undermined them. I also consider that the decisions version gives effect to the provisions of the higher order documents which I consider below.

SRPS

- 37 The SRPS addresses water quality under both the water quality and water quantity provisions, acknowledging the connection between the two.

Water Quality

- 38 In my opinion, the decisions version of Objectives 9 and 9A reflect the direction and language of Objective WQUAL.1 and give better effect to it than notified Objective 9. I consider that Objective WQUAL.1 affords equal weight to safeguard environmental values (WQUAL.1(a)) and the health of people and communities (WQUAL.2) in balance, while meeting the social, economic and cultural needs of future generations.

⁸ Para 95 Statement of Evidence for Southland District Council

⁹ Para 8 and 34 Statement of Evidence for Forest and Bird

Water Quantity

- 39 Objective WQUAN.1 seeks the sustainable management of water across the region by managing the quantity of water for a range of needs, including natural environment and human use purposes. The objective does not prioritise the use of water, however the explanation to the objective states:

Sustainably managing the region's water resources is important in order to enable the community to provide for its social, economic and cultural wellbeing. The challenge is to provide for current needs in such a way that future needs are not compromised, and so that environmental needs are provided for. The objective has been adopted to give effect to Section 5 of the Act.

[my emphasis]

- 40 Objective WQUAN.1 clearly acknowledges the importance of providing for current and future community needs, as well as safeguarding natural environment values – it does not relegate human use values to being secondary to environmental values. The notified version of Objective 9 was therefore at odds with the direction of Objective WQUAN.1 noting that the latter gives effect to the sustainable management purpose of the RMA.
- 41 Objective WQUAN.2 promotes the efficient allocation and use of water in Southland, and by doing so enabling water to be available for use by as broad a cross section of the community as possible within the bounds of sustainable use.¹⁰ The objective does not prioritise environmental values of water over human use values, contrary to notified pSWLP Objective 9.
- 42 Supporting policies WQUAN.1, WQUAN.3 and WQUAN.7 are most relevant. Policy WQUAN.1 has been drafted to give effect to sections 6 and 7 of the RMA, directing that the instream values derived from water quantity (flows and levels) are to be maintained. Policy WQUAN.3 gives effect to Objectives WQUAN.1 and WQUAN.2 of the SRPS, and directs that the finite nature of water is recognised and managed in accordance with the NPS-FM. None of the policies afford priority to the use of water but rather direct that water use in Southland is to be achieved in a *sustainable* manner.
- 43 Policy WQUAN.7 requires decision makers to recognise social, economic and cultural benefits to be derived from using, developing or protecting water resources. It does not give priority to a particular value but does require decision makers to make provision for social, economic and cultural values in making decisions regarding the sustainable management of water.

¹⁰ Explanation / Principal Reasons – Objective WQUAN.2, SRPS page 48

- 44 The notified version of Objective 9 prioritises water for environmental values over human use values, and is not reflective of, nor consistent with the provisions of the SRPS. In my view, the decisions version of Objectives 9 and 9A therefore give better effect to the SRPS.

NPS-FM

- 45 To achieve Objective AA1 of the NPS-FM, councils need to consider and recognise Te Mana o te Wai and amend policy statements and plans such that the ‘three healths’¹¹ of Te Mana o te Wai are provided for. Te Mana o te Wai is one of the matters which informs the setting of freshwater objectives. Managing water quantity is an essential part of achieving Objective AA1, as it is for achieving Objective 9, as appropriately managing water quantity is fundamental to safeguarding the values specified in Objective 9, and sustainably using water as envisaged under Objective 9A.
- 46 In my view, the decisions version of Objective 9 gives effect to Objective B1 of the NPS-FM, which recognises the life-supporting role of freshwater bodies, and the need to provide for the health and wellbeing of waterbodies, ecosystems, people and communities. The objective reflects the importance of sustainably managing water resources to safeguard their capacity to support life, reflective of s5 of the RMA. To achieve this objective, regional plans are required to provide for the economic, social and cultural well-being of people and communities in a sustainable way that safeguards the life-supporting capacity of freshwater. I do not consider that the objective prioritises environmental values over human use values, but addresses them together.
- 47 Objective B3 of the NPS-FM seeks to improve and maximise the efficient allocation and use of freshwater by maximising the benefits to be derived from using water sustainably. The sustainable use of water takes into account environmental, social, economic and cultural values (i.e. does not prioritise one over the other) and can also involve allocating water to the highest value use (in respect of all values of water). In some circumstances the highest value use may be natural environment values (such as in natural state waters), and in other cases it may be ensuring reliable community water supply. By removing the prioritisation that was inherent in Objective 9 as notified, the decisions version of Objectives 9 and 9A more appropriately reflect Objective B3.

¹¹ Te Hauora o te Wai the health of the waterbody, Te Hauora o te Tangata (the health of the people), and Te Hauora o te Taiao (the health of the environment)

pSWLP

- 48 Objectives 9 and 9A are aligned, and work together with Objective 9B¹² in respect of sustainably managing surface water in a way that seeks to address environmental and human use values, while allowing for the effective operation of critical¹³ and regionally significant¹⁴ infrastructure. The values across the three objectives are reflected in Policy 26A, which directs decision makers to:

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.

- 49 The policy is acknowledgement that, while aspects of Objectives 9A and 9B lean toward enabling human use of water resources, any such use is subject to the principle of sustainable management, which requires the consideration of all values. Under Policy 26A, these values are to be recognised and provided for in implementing the pSWLP.

Conclusion

- 50 Read together, the decisions version of Objectives 9 and 9A seek the sustainable management of surface water to both safeguard environmental values and provide for human use. In seeking to manage the competing uses of water, the pSWLP must be cognisant of, and give effect to the SRPS, NPS-FM and the sustainable management purpose of the RMA. In my opinion, none of the higher order documents afford primacy for environmental values over human use, or vice versa. I therefore consider that the decisions version of Objectives 9 and 9A give more appropriate effect to the higher order documents than the notified version, and should be retained.

Objective 9B

- 51 The notified version of the pSWLP did not specifically provide for the development, maintenance and operation of critical and regionally significant

¹² Objective 9B is addressed in more detail from paragraph 51 of my evidence.

¹³ Critical Infrastructure: defined in the Glossary and Definitions section (page 216) of the SRPS as 'Infrastructure that provides services which, if interrupted, would have a significant effect on the wellbeing and health and safety of people and communities and would require reinstatement, and includes all strategic facilities.'

¹⁴ Regionally significant infrastructure: defined in the Glossary and Definitions section (page 222) of the SRPS as 'Infrastructure in the region which contributes to the wellbeing and health and safety of the people and communities of the region, and includes all critical infrastructure.'

infrastructure. In my view, this resulted in the pSWLP not giving effect to the Infrastructure provisions of the SRPS, or Objectives A4 and B5 of the NPS-FM. This was addressed by the addition of Objective 9B. Objective 9B is supported by Policy 26A, which requires the effective operation of critical and regionally significant infrastructure to be recognised and provided for. I consider Objective 9B in the context of the higher order documents below.

SRPS

- 52 Objective INF.1 and Policies INF.1 to INF.4 of the SRPS provide for the operation, development, and maintenance of critical and regionally significant infrastructure as being fundamental to the health, safety and wellbeing of the community and the quality of the environment. Objective INF.1 acknowledges that the role infrastructure plays in the health, safety and wellbeing of the community is important enough that it needs to be recognised when preparing and implementing regional and district plans. The explanation to the objective recognises the significant contribution such infrastructure makes to social, economic and cultural wellbeing, and notes that it is *'desirable to control'* the associated environmental effects of that infrastructure. As well as the human use values noted in Objective INF.1, I also consider that critical and regionally significant infrastructure plays an important role in avoiding or mitigating adverse effects on environmental values, as noted in Ms Bennett's evidence¹⁵. This is recognised within the objective in anticipating that infrastructure will be *"appropriately integrated"¹⁶ with land use activities and the environment."* [my emphasis].
- 53 The explanation to Objective INF.1 also notes that in recognising the importance of critical infrastructure, greater weight should be given to its requirements given the substantial public benefit often associated with it and the degree to which the adverse effects of providing and operating infrastructure can be avoided, remedied or mitigated, offset, or compensated for. In my view, Objective INF.1 affords critical and regionally significant infrastructure a high degree of importance, which is given effect by Objective 9B.
- 54 Objective INF.1 is supported by six policies, with Policies INF.1 and 2 most relevant. Policy INF.1 directs decision makers to *"make provision for the development, maintenance, upgrade and ongoing operation"* of critical

¹⁵ Paras 44-45 and 56-58, Statement of Evidence for the TLAs.

¹⁶ The explanation to the Objective notes: *The term 'appropriately' is used in this objective to recognise that the extent to which adverse effects may be avoided, remedied, mitigated, or where appropriate, and such measures are volunteered by the resource user, offset or compensated for, may vary depending on the particular circumstances of each particular case.*

infrastructure. The policy explanation notes that robust infrastructure is fundamental to social, economic, cultural and environmental wellbeing.

- 55 Policy INF.2 directs that the adverse effects of infrastructure are to be avoided, remedied or mitigated '*where practicable*'. The policy provides guidance as to what decision makers are to consider when determining what is practicable, recognising that there are "*functional, operational or technical constraints*" that apply to some types of infrastructure. Policy INF.2 acknowledges the responsibility of infrastructure asset owners to minimise the environmental effects of infrastructure, while also recognising that there are practical limitations to the extent to which that may be achievable in some cases.
- 56 The enabling language of Objective 9B does not diminish or override the obligation to sustainably manage water resources, or give infrastructure owners a mandate to do so.
- 57 In my opinion, the SRPS provides clear policy direction in regards to the importance of, and the need to, responsibly provide community infrastructure. Objective 9B as set out in the decisions version of the pSWLP responds to that direction, and gives appropriate effect to the SRPS framework. I do not agree with Ms Davidson in her evidence for Ngā Rūnanga¹⁷ that the enabling language of the objective '*suggests an activity status akin to permitted or controlled status*' which would override all other considerations. I also disagree with Mr Sycamore's view on behalf of Federated Farmers that the objective could unreasonably favour infrastructure owners¹⁸ or that it infers an at-all-costs mentality¹⁹.
- 58 If that was the intention of the pSWLP, it would be reflected in a more permissive rules framework. I note that rules such as Rules 15 and 33 apply to community infrastructure typically provided by the TLAs and hold discretionary or non-complying activity status requiring broad consideration of the applicable policy framework and environmental effects. Further, when reading the policy framework of the pSWLP and SRPS as a whole, the responsibility of network owners to avoid, or otherwise remedy or mitigate adverse effects from infrastructure structures and operation is explicit, and cannot be sidestepped.
- 59 Deleting the objective as sought by Ngā Rūnanga²⁰ would reinstate the policy gap that was present in the notified version of the pSWLP. The absence of provisions

¹⁷ Para 89 Statement of Evidence for Ngā Rūnanga

¹⁸ Para 23 Statement of Evidence for Federated Farmers

¹⁹ Para 26 Statement of Evidence for Federated Farmers

²⁰ Te Runanga o Ngai Tahu & others ENV-2018-CHC-47

in the pSWLP that provide for infrastructure, particularly given its importance to community wellbeing and environmental quality, would mean the pSWLP would no longer give effect to the SRPS.

NPS-FM

- 60 Objectives A4 and B5 of the NPS-FM allows for communities to provide for their economic, social and cultural wellbeing when sustainably managing freshwater quality and quantity, within limits. In my view, the references to ‘sustainable management within limits in the objectives acknowledges that using and developing water resources affects water quality and quantity, but that such effects can constitute the sustainable management of the resource and can therefore be considered appropriate in the context of established limits.
- 61 The enabling nature of Objective 9B is appropriate and reflective of the enabling direction that will apply through Objectives A4 and B5 once limits are defined. Enabling the community to provide for the “*effective development, operation, maintenance and upgrading*” of infrastructure directly influences the community’s ability to sustainably manage water resources including adverse effects on water, in a way that achieves Objectives A4 and B5 and the sustainable management purpose of the RMA.

RMA

- 62 Critical and regionally significant infrastructure plays a key role in avoiding or mitigating potentially significant adverse effects on water quality from land use and development, particularly in urban settings where such infrastructure is often most prevalent. Section 30 of the RMA requires regional councils to ensure there is sufficient development capacity²¹ for housing and business land development to meet forecast demands²², and requires the strategic integration of infrastructure with land use²³. The wording of the SRPS sets clear direction of the importance of providing for infrastructure, and gives effect to section 30(1)(ba) of the RMA.
- 63 Changing the current wording from ‘enabled’ to ‘*recognised*’²⁴, ‘*recognised and provided for*’²⁵ or ‘*sustainably managed*’²⁶ would not as fully reflect the weight

²¹ The capacity of land for urban development based on regional policy statements, regional plan and district plan provisions, short and long term requirements, and adequate development infrastructure (network infrastructure for water supply, stormwater and wastewater management, and transport) – section 30(5) RMA.

²² Section 30(ba) RMA

²³ Section 30(gb) RMA

²⁴ Federated Farmers of New Zealand ENV-2018-CHC-40

afforded to infrastructure through the Infrastructure provisions of the SRPS, the direction under Objectives A4 and B5 of the NPS-FM, or section 30 of the RMA. To 'recognise' infrastructure as sought in Federated Farmers' appeal would not require decision makers to make actual provision for infrastructure. The requirement to 'sustainably manage' infrastructure as sought in Forest and Bird's appeal does not adequately reflect the weight to be afforded to infrastructure under the provisions of the SRPS.

Conclusion

- 64 I consider that the relief sought by the appellants would weaken the enabling nature intended in Objective 9B, and doing so would affect the extent to which Objective 9B gives effect to the higher order documents. Deleting the objective altogether as sought by Ngā Rūnanga would result in the pSWLP no longer giving appropriate effect to the higher order documents.

Objective 13 / 13A / 13B

- 65 The decisions version of Objective 13 reframed the notified version by dividing it into three separate objectives, retaining much of notified Objectives 13(a) and (b) within Objectives 13A and 13B. Notified Objective 13(c) focussed on environmental values and was removed in reframing the objective.
- 66 The TLA's primary interest in these objectives is how they may relate to the use and development of land for community infrastructure, particularly in respect of discharges to land and water.
- 67 The appeal of Forest and Bird²⁷ seeks to reinstate the notified version, and introduce changes that would avoid discharges to water that would result in any adverse or cumulative effects on human health and recreation, and that would safeguard (rather than maintain) the values specified in clause (c). I note Ms Bennett's²⁸ opinion that any discharge to, or use of, water will always result in an effect and on that basis I do not support the changes sought by Forest and Bird. Adverse effects associated with land use or with discharges to land or water may not be significant, or may not be inappropriate in the circumstances, and are anticipated in the concept of sustainable management on which the RMA and statutory plans formed under it are based. In my view, the relief sought by Forest

²⁵ Southland Fish and Game Council ENV-2018-CHC-37 appealed the decision in regard to Objective 9, seeking that 'enabled' be replaced with 'recognised and provided for'. Their appeal in this regard was withdrawn on 18 February 2019

²⁶ Royal Forest and Bird Protection Society of New Zealand Incorporated ENV-2018-CHC-50

²⁷ Royal Forest and Bird Protection Society of New Zealand Incorporated ENV-2018-CHC-50

²⁸ From para 23, Statement of Evidence for the TLAs

and Bird would be out of step with provisions for resource use and development in the higher order documents.

- 68 The appeal of Fish and Game²⁹ seeks primarily to reinstate the notified version where the use and development of land, and discharges to land and water may result in adverse effects on ecosystems, amenity, and cultural and historic heritage values. Fish and Game also considers that effects should be avoided on a range of additional matters, primarily relating to environmental values associated with water bodies. These matters are, in my opinion adequately covered in the decisions version of Objectives 9, 14 and 17, and are implicit in the concept of sustainable management throughout the pSWLP.
- 69 The appeal of Ngā Rūnanga similarly seeks the reinstatement of the notified version. Ngā Rūnanga's concerns, as addressed in the evidence of Ms Davidson, is that separating Objective 13 into the separate objectives of the decisions version has rendered it disjunctive³⁰, and the pSWLP now fails to adequately recognise the integrated management of land and water as embodied by ki uta ki tai³¹. I consider that the pSWLP objectives, when read as a whole, provide for ki uta ki tai and that separating the components of Objective 13 for clarity has not removed the extent to which it is provided for.
- 70 In particular, Objective 1 explicitly states that land, water and associated ecosystems are to be sustainably managed as integrated natural resources by recognising the connectivity between land, water and the coastal environment. Objective 3 brings the concept of Te Mana o te Wai (integral to ki uta ki tai) explicitly into the pSWLP, and Objective 4 seeks that tangata whenua values and interests are identified and reflected when managing freshwater and associated ecosystems. The direction provided by these objectives permeates throughout the pSWLP when it is read as a whole and is integral to its implementation.
- 71 I consider the decision versions of each objective in further detail below.

Objective 13

- 72 Objective 13 focusses on the use of land resources to support Southland's economic, social and cultural wellbeing and is similar to Objective 2 of the pSWLP³².

²⁹ Southland Fish and Game Council ENV-2018-CHC-37

³⁰ Para 114, Statement of Evidence for Ngā Rūnanga

³¹ Para 110 - 115, Statement of Evidence for Ngā Rūnanga

³² Objective 2: *Water and land is recognised as an enabler of primary production and the economic, social and cultural wellbeing of the region.*

- 73 The objective acknowledges that the wellbeing of Southland’s community relies to an extent on the ability to use and develop land and soil resources. As currently worded, Objective 13 aligns with Objective 9B in respect of enabling, for example the use of land for developing and operating critical and regionally significant infrastructure to support Southland’s economic, social and cultural wellbeing. Enabling infrastructure development and operations also brings substantial benefits in maintaining and improving environmental quality, as noted previously in my evidence in regard to Objective 9B.

SRPS

- 74 By enabling the sustainable use of land Objective 13 gives effect to SRPS Objective RURAL.1 – *Sustainable use of rural land resource*, noting that ‘use and development’ includes infrastructure activities, as referred to in the explanation to the objective. Explicit in the objective is the requirement to *sustainably* use and develop land, which requires the consideration of the full range of social, cultural, economic and environmental factors.
- 75 SRPS Objective URB.1 – *Urban development* anticipates the sustainable use and development of land to appropriately provide for community wellbeing, including for land-based wastewater and stormwater disposal, and transport infrastructure. The objective also explicitly seeks positive environmental, social, economic and cultural outcomes when developing and using land. The decisions version of Objective 13 is aligned with, and gives effect to, SRPS Objective URB.1.

NPS-FM

- 76 The decisions version of Objective 13 is aligned with, and gives effect to Objectives A4 and B5 of the NPS-FM in respect of the effects on water quality and quantity associated with the use and development of land and soils. Both objectives seek to enable the community to provide for its economic wellbeing in the context of sustainable management.

Objective 13A

- 77 Objective 13A reflects notified Objective 13(a). The key difference to the notified version is that the decisions objective is not subject to maintaining or enhancing the environmental values identified in notified Objective 13(c).
- 78 In my opinion the objective recognises that adverse effects on soils from land use and development, and discharges to land, may be acceptable as long as such effects are not irreversible. That is, the objective acknowledges that adverse effects on soil quantity, quality and structure may not always be inappropriate in all circumstances. I consider this objective to be achievable in many cases

without necessarily enabling activities that could result in significant adverse effects.

SRPS

- 79 SRPS Objective RURAL.2 – *Life-supporting capacity of soils* seeks to safeguard the life-supporting capacity, mauri and health of soils – this is achievable in part by avoiding activities and discharges that irreversibly degrade soil qualities.
- 80 The explanation to SRPS Objective URB.1 notes that activities need to retain high value soils for productive purposes, and avoid, remedy or mitigate adverse effects on soil and water quality. This direction aligns with the thrust of Objective 13A in being part of the solution to avoid irreversible degradation of soil resources, including high value soils. Activities that do irreversibly degrade soil values would likely not represent sustainable use and development, or lead to the positive outcomes sought by Objective URB.1.

Objective 13B

- 81 As drafted, Objective 13B seeks that discharges of contaminants to land or water that result in any *significant* adverse effects on human health, or *any* adverse cumulative effects on human health are avoided.
- 82 In considering the reference to ‘significant adverse effects’, the objective acknowledges that adverse effects on human health that are *not* significant may be appropriate in certain circumstances. Discharges that result in such effects could include, for example discharges of stormwater, or appropriately treated wastewater.
- 83 As currently drafted, the objective seeks to avoid *any* cumulative effect on human health, with no consideration of significance. Avoiding all such adverse effects regardless of significance does not allow for reasoned assessment of the appropriateness of an activity. This ‘no cumulative effects’ direction is not consistent with other provisions of the pSWLP or the sustainable management thrust of higher order documents, and I suspect is unintended.
- 84 Objective 13B drives the avoidance of significant adverse effects on human health resulting from discharges, which I generally support. In respect of cumulative effects, I agree with Mr Kyle’s³³ view that they are a subset of ‘effects’, and do not need to be separately specified in the objective. The ‘no cumulative effects’ issue in the current drafting can therefore be addressed without

³³ Para 3.8, Statement of Evidence for Alliance Group Ltd

undermining the objective, as set out in Mr Kyle's³⁴ suggested amendment. Further, I agree with Mr McCallum-Clark's view³⁵ that the use of 'avoid' in the objective is not aligned with NPS-FM Policy A4, and that there may be situations where mitigating or remedying such adverse effects may also be appropriate. The language of Policy A4 supports avoidance as a preference but does not prevent effects remediation or mitigation. Consequently, I propose the following amendment:

The discharge of contaminants to land or water that have significant ~~or cumulative~~ adverse effects on human health are avoided, remedied or mitigated.

SRPS

- 85 The human health focus of Objective 13B gives effect to Objective WQUAL.1 – *Water quality goals*. WQUAL.1(b) in particular refers to achieving water quality that safeguards the health of people and communities. The 'no cumulative effects' thrust of Objective 13B is not reflected in the SRPS framework, however with my proposed amendment, will give effect to Objective WQUAL.1 and align with the broader direction of the SRPS and the pSWLP.

NPS-FM

- 86 Through seeking to avoid *significant* adverse effects from discharges to water, Objective 13B is aligned with and gives effect to Objective A1(b) of the NPS-FM, and will also help to give effect to Objective A3 in respect of achieving freshwater quality suitable for primary contact. It is also directly aligned with the language of Policy A4.

Conclusion

- 87 The decisions version of Objectives 13, 13A and 13B are clear in their resource management purpose, and in how they give effect to the relevant matters of the SRPS and NPS-FM to achieve positive environmental, social, cultural and economic outcomes. I do not consider the separation of the notified Objective 13 has particularly undermined the overall intent, when Objectives 13, 13A and 13B are read together and with the other pSWLP objectives as a whole. With the resolution of the drafting issue in Objective 13B as proposed in paragraph 84 of my evidence, I consider that the decisions version should be retained.

³⁴ Para 3.8, Statement of Evidence for Alliance Group Ltd: '*Objective 13B: The discharge of contaminants to land or water that have significant ~~or cumulative~~ adverse effects on human health are avoided.*'

³⁵ Para 155 Statement of Evidence for Southland Regional Council

Objective 15

- 88 Fish and Game³⁶ appealed the decisions version of Objective 15, but withdrew their appeal on 26 February 2019. The TLAs support the retention of the decisions version of Objective 15. With the withdrawal of Fish and Game's appeal, no other appeals remain, and I do not address it further in my evidence.

Objective 17

- 89 Forest and Bird's appeal³⁷ seeks changes to the decisions version of Objective 17 as underlined below:

The natural character values of wetlands, rivers and lakes and their margins, including channel and bed form, rapids, seasonably variable flows and natural habitats, are preserved and protected from inappropriate use and development.

- 90 With the relief sought, the objective would essentially become a rewording of section 6(a) of the RMA, with some additions, and without the introduction to section 6. Section 6 refers to preservation of the natural character of these features, and protection of them from inappropriate development. The proposed change by Forest and Bird focuses not on preserving natural character but preserving the features themselves. This changes the emphasis from the wording of section 6, and seeks to rule out any changes to rivers, lakes and their margins whatsoever, and regardless of the values they hold. It is also not clear if the relief sought is intended to "preserve from inappropriate use and development", or to "preserve" all natural character values regardless.
- 91 Natural character values include all of the natural aspects and processes of the physical environment, and human experiences of them. To 'preserve' natural character values in a literal sense is to not allow change, and to maintain them in their existing state. Preservation does not anticipate change to, or the use or development of, resources on which those natural character values rely.
- 92 I do not agree with Mr McCullum-Clark that 'preserve' and 'protect' are 'very closely aligned'³⁸. To preserve natural character values, in my view is stronger than protecting them, as currently anticipated in the decisions version of Objective 17. If all natural character values are to be preserved (i.e. not changed from their existing state), the requirement to protect them becomes irrelevant,

³⁶ Southland Fish and Game Council's ENV-2018-CHC-37 appeal in regard to Objective 15 was withdrawn on 26 February 2019.

³⁷ Royal Forest and Bird Protection Society of New Zealand Incorporated ENV-2018-CHC 50

³⁸ Para 179, Statement of Evidence for Southland Regional Council

given that preservation is the stronger and more absolute directive. Protecting natural character values from inappropriate use and development however anticipates that adverse effects on those values may occur to some degree, as long as the values to be protected are not inappropriately diminished. The current wording of Objective 17 allows decision makers to determine whether an activity may be appropriate in the context of the significance of the natural character values present, and the effects of an activity on them.

- 93 The decisions version of Objective 17 anticipates that the use and development of waterbodies and their margins can occur in an appropriate way. Objective 9 also anticipates that natural character values will be safeguarded when using water resources. I consider the provisions of the SRPS below.

SRPS

- 94 Part C, Chapter 4 of the SRPS contains provisions that relate to the beds of lakes and rivers. Objective BRL.1 – *Lake and river bed values* seeks to maintain and enhance all *significant* values of lakes and rivers. The focus of the objective is limited to significant values and does not, and is not intended to address values that do not meet the significance threshold. Preserving all natural character values through the change sought by Forest and Bird would, in my view, be out of step with the intent of Objective BRL.1.
- 95 Policy BRL.1 – *Managing effects on values and physical processes* directs regional plans to include policies and methods that recognise the need for some structures to be located within river and lake beds, and to avoid, or otherwise remedy or mitigate adverse effects of those activities on (i) natural character and (vi) the performance and operation of critical infrastructure. Adverse effects of critical infrastructure on natural character values are therefore anticipated under Policy BRL.1.
- 96 Policy BRL.2 – *Existing uses of lake and river beds* requires lawfully established structures and activities, and the need for such structures to be maintained and upgraded to be recognised, while avoiding, or otherwise mitigating or remedying, associated adverse effects. The policy also directs that regional plans are to specifically provide for the use, maintenance and upgrading of existing structures in river and lake beds, where the adverse effects of doing so are no more than minor.
- 97 The explanation to Policy BRL.2 notes that existing structures and activities in the beds of lakes and rivers benefit the community and there is a wider public interest in recognising and providing for their use, maintenance and upgrading subject to the scale and nature of the environmental effects. Requiring the natural character of wetlands, rivers and lakes to be *preserved* in every case, regardless

of the significance of those values would be at odds with the direction in Policy BRL.2 to '*specifically provide*' for lawfully established structures and activities.

- 98 The provisions in Chapter 4 sit alongside the infrastructure provisions in Chapter 15. Public infrastructure often, of necessity, interfaces with the beds and margins of lakes and rivers. Such structures and their operation can adversely affect natural character values where they are inappropriately designed, located or operated.
- 99 Objective INF.1 enables critical infrastructure where it is "*appropriately integrated with land use activities and the environment*" [my emphasis]. Policy INF.2 directs that the adverse effects of infrastructure on the environment are to be avoided, remedied or mitigated where practicable, taking into account a range of matters including the functional, operational or technical constraints that require such infrastructure to be located or designed in a specific way. Objective 9B of the pSWLP gives effect to Objective INF.1 and related provisions. The preservation of the natural character of waterbodies and their margins in the manner sought by Forest and Bird would be at odds with Objectives INF.1 and 9B insofar as the insertion of 'preservation' will restrict the consideration of whether a use or development could be appropriately integrated with the environment.
- 100 The SRPS provisions noted above seek to enable structures (including public infrastructure) in river and lake beds where the effects on natural character are appropriately managed. The proposed change by Forest and Bird does not in my assessment sit comfortably with this higher order document.

Conclusion

- 101 In my view, the decisions version of Objective 17 gives appropriate effect to the relevant provisions of the SRPS, is consistent with other pSWLP provisions that relate to natural character, and should be retained.

Objective 18

- 102 The s42A Officer's Report³⁹ notes that Objective 18 is an aspirational high level objective, intended to apply to the integration of land use and how that relates to the quality and quantity of the region's soil and water resources.
- 103 The objective was amended in the decision version to read:

All activities operate in accordance with ~~at~~ "good ~~(environmental)~~ management practice" or better to optimise efficient resource use,

³⁹ 5.214 – 5.225, Page 118 – 120: Hearing Report April 2017 and 4.62 – 4.65, Page 24: Officer's Report, November 2017

safeguard the life supporting capacity of ~~and protect the region's land and soils, and maintain or improve the water from quality and quantity of the region's water resources. degradation.~~

Scope

- 104 I agree with Mr McCullum-Clark that, taken at face value, the objective is broadly applicable, and sets an expectation that all activities will be carried out according to 'good management practice' as relevant to the activity. Reference to the definition however appears to narrow the scope of the objective to farming activities, at which point the scope of the objective becomes less clear.
- 105 Ngā Rūnanga through their appeal sought the deletion of the decisions version in favour of retaining the notified version. In my view that would undo the clarification provided by the decisions version. I agree with Ms Davidson in her evidence⁴⁰ on behalf of Ngā Rūnanga that there would be little to gain in reverting to the notified version. I also agree that, if the objective is to apply to all activities, broadening the definition beyond the current farm management focus is necessary. Mr Kyle⁴¹ on behalf of Alliance proposes an amendment to the definition to focus it on farm management which I agree could be appropriate if the objective is intended to have a farm management focus only. However I note Ms Taylor in her evidence for Ravensdown⁴² refers to the definition of 'Good Management Practice' contained in the Proposed Natural Resources Plan for the Wellington Region, which applies the term to activities in general. Amending the pSWLP definition along similar lines would, in my view confirm the broader application of 'Good Management Practice', which I support.

Best Practicable Option

- 106 Amending the Objective as sought through the appeals of Alliance⁴³ and Fish and Game⁴⁴ to explicitly refer to 'best practicable option' (as defined in section 2 of the RMA) is unnecessary in my view, given its broad application. The objective will be implemented in respect of discharges from industrial and trade processes through Policy 16A which explicitly refers to using the 'best practicable option' to manage the treatment and discharge of contaminants, and this is where the term should more appropriately sit. The addition of 'Best Practicable Option' to the objective as sought could inadvertently narrow the scope of the objective,

⁴⁰ Para 122 Statement of Evidence for Ngā Rūnanga

⁴¹ Para 4.7 Statement of Evidence for Alliance Group Limited

⁴² Para 4.7, Statement of Evidence for Ravensdown Limited

⁴³ Alliance Group Limited ENV-2018-CHC-39

⁴⁴ Southland Fish and Game Council ENV-2018-CHC-37

whereas the decisions version invites the broad application intended. I do however support the insertion of 'environmental' as suggested by Mr McCallum-Clark⁴⁵, as it could add some clarity.

107 Mr Farrell in his evidence on behalf of Fish and Game⁴⁶ and Forest and Bird proposes an alternative form of Objective 18 which seeks that all activities implement both 'good environmental management practice or better', and the best practicable option. In my view this could create a conflict within the objective between 'good environmental management practice' and the 'best practicable option', which can be quite different depending on the activity, and I do not support it. Further, the best practicable option for an activity could be encompassed by reference to 'or better' in the objective, which could be supported by clarifying the definition. I also note Ms Bennet's opinion⁴⁷ that the application of the Best Practicable Option may not be necessary in all cases to sufficiently address the adverse effects of an activity, and achieve the water quality outcomes sought by the pSWLP.

108 In my view, the decisions version of the objective should be retained on the understanding that it applies to activities in general. In seeking to safeguard the life supporting capacity of land, soil and fresh water as physical resources, the Objective gives effect to the SRPS provisions in Chapters 3, 4, 5, 6 and 15. It is also consistent with the provisions in the NPS-FM that refer to safeguarding the life-supporting capacity of water, and maintaining or improving water quality and quantity

Conclusion

109 Community infrastructure provided by the TLAs includes water supply, stormwater and wastewater networks. These networks provide for the health, safety and wellbeing of the community, and enable significant adverse effects on the community, and on environmental values to be appropriately managed, and in most cases substantially avoided. Providing and operating such infrastructure however, invariably relies on the interaction of structures and network operations on land and water, and will affect soil and water quality and quantity. The associated effects on environmental values are anticipated in higher order documents and are intrinsically part of the sustainable use and development of physical resources.

⁴⁵ Para 194 Statement of Evidence for Southland Regional Council

⁴⁶ Para 133 Statement of Evidence for Fish and Game

⁴⁷ Para 34, Statement of Evidence for the TLAs

110 The basis of the TLAs concerns in joining the appeals is the potential for changes to the pSWLP provisions to inadvertently frustrate the provision and operation of critical and regionally significant infrastructure, and to ensure that the contribution that such infrastructure can make to maintaining and improving water quality is recognised. In my view, and as discussed throughout my evidence, the presence and operation of such infrastructure can be adequately provided for in the pSWLP objectives in a manner that gives appropriate effect to the provisions of higher order documents, and assists in achieving the sustainable management of natural and physical resources.

A handwritten signature in blue ink, appearing to read 'J. Dunning', with a stylized flourish at the end.

Janan Dunning

APPENDIX A – Provisions Referred To

National Policy Statement for Freshwater Management 2014 **(updated 2017)**

Objective AA1

To consider and recognise Te Mana o te Wai in the management of fresh water.

Policy AA1

By every regional council making or changing regional policy statements and plans to consider and recognise Te Mana o te Wai, noting that:

- a) *te Mana o te Wai recognises the connection between water and the broader environment – Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people); and*
- b) *values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of freshwater objectives and limits.*

Objective A1

To safeguard:

- a) *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and*
 - b) *the health of people and communities, as affected by contact with fresh water;*
- in sustainably managing the use and development of land, and of discharges of contaminants.*

Objective A2

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- (a) *protecting the significant values of outstanding freshwater bodies;*
- (b) *protecting the significant values of wetlands; and*
- (c) *improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

Objective B1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.

Objective B3

To improve and maximise the efficient allocation and efficient use of water.

Objective B5

To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing fresh water quantity, within limits.

Southland Regional Policy Statement

Chapter 4 - Water

Objective WQUAL.1 – Water quality goals

Water quality in the region:

- (d) safeguards the life-supporting capacity of water and related ecosystems;*
- (e) safeguards the health of people and communities;*
- (f) is maintained, or improved in accordance with freshwater objectives formulated under the National Policy Statement for Freshwater Management 2014;*
- (g) is managed to meet the reasonably foreseeable social, economic and cultural needs of future generations.*

Objective WQUAL.2 – Lowland water bodies

Halt the decline, and improve water quality in lowland water bodies and coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands in accordance with freshwater objectives formulated in accordance with the National Policy Statement for Freshwater Management 2014.

Policy WQUAL.1 – Overall management of water quality

- (h) Identify values of surface water, groundwater, and water in coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands, and formulate freshwater objectives in accordance with the National Policy Statement for Freshwater Management 2014; and*
- (i) Manage discharges and land use activities to maintain or improve water quality to ensure freshwater objectives in freshwater management units are met.*

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.*

Policy WQUAL.7 – Social, economic and cultural benefits

Recognise the social, economic and cultural benefits that may be derived from the use, development or protection of water resources.

Objective WQUAN.1 – Sustainably managing the region's water resources

Flows, levels and allocation regimes of surface water and groundwater in the region are developed in accordance with the National Policy for Freshwater Management 2014 to:

- (a) safeguard the life-supporting capacity of water, catchments and related ecosystems;*
- (b) support the maintenance or improvement of water quality in accordance with Policy WQUAL.1;*
- (c) meet the needs of a range of uses, including the reasonably foreseeable social, economic and cultural needs of future generations;*
- (d) comply with limits or targets set to achieve freshwater objectives.*

Objective WQUAN.2 – The efficient allocation and use of water

The allocation and use of Southland's water resources:

- (a) is efficient;*
- (b) recognises and makes provision for the Monowai and nationally significant Manapouri hydroelectric generation schemes in the Waiau catchment and the resultant modified flows and levels.*

Policy WQUAN.1 – Instream values

Maintain instream values of surface water that derive from flows and levels of water, while recognising the special circumstances of the Waiau catchment.

Policy WQUAN.3 – Regional plans

Recognise the finite nature of water resources and catchments and identify management regimes in accordance with the National Policy Statement for Freshwater Management 2014 that:

- (a) provide for the freshwater objectives for surface water and groundwater that derive from flows and levels of water;*
- (b) in managing the effects of activities on flows and levels of water in surface and groundwater:*
 - (i) avoid, as far as practicable, significant adverse effects (including cumulative effects);*
 - (ii) remedy or mitigate significant adverse effects only where avoidance is not practicable;*

- (iii) *avoid, remedy or mitigate other adverse effects;*
- (c) *within allocation limits, provide for the current and reasonably foreseeable future needs, and the social, economic and cultural wellbeing, of people and communities;*
- (d) *recognise the potential effects of climate change on flows and levels of water and on water availability;*
- (e) *consider the effects of new uses of water on established activities;*
- (f) *are capable of adapting to manage the effects of changing demand on flows and levels of surface water and groundwater;*
- (g) *recognise the outstanding characteristics identified in water conservation orders applying to rivers within the region; Southland Regional Policy Statement 2017 Chapter 4 - Page 50*
- (h) *recognise the need for availability of water to enable the Monowai and nationally significant Manapouri hydro-electricity power generation activities in the Waiau catchment to continue, and be enhanced where over-allocation will not occur;*
- (i) *recognise the inter-related nature of all water bodies in a catchment and the need to maintain flows to sensitive habitats within the catchment.*

Policy WQUAN.7 – Social, economic and cultural benefits

Recognise the social, economic and cultural benefits that may be derived from the use, development or protection of water resources.

Objective BRL.1 – Lake and river bed values

All significant values of lakes and rivers are maintained and enhanced.

Policy BRL.1 – Managing effects on values and physical processes

Regional plans shall include policies and methods that:

- (a) *while recognising the need for some structures to be located within the beds of rivers and lakes, avoid as far as practicable, and only where avoidance is not practicable, remedy or mitigate adverse effects of activities in the beds of lakes and rivers on:*
 - (i) *natural character;*
 - (ii) *instream ecological values, including bird habitat;*
 - (iii) *historic heritage and cultural values, particularly tangata whenua cultural values, and spiritual values;*
 - (iv) *amenity values;*
 - (v) *recreational values;*
 - (vi) *the performance and operation of critical infrastructure;*
- (b) *manage adverse effects of activities in the beds of lakes and rivers on:*
 - (i) *erosion and deposition processes;*
 - (ii) *flooding risk, bank stability and drainage capacity;*
 - (iii) *the social, economic, cultural and environmental wellbeing of the community;*

- (c) recognise the outstanding characteristics identified in water conservation orders applying to rivers within the region.

Policy BRL.2 – Existing uses of lake and river beds

Lawfully established structures and activities in the beds of lakes and rivers will be recognised, including the need for maintenance, enhancement and upgrading, while avoiding wherever practicable, mitigating or remedying, any adverse effects. Where the use, maintenance, enhancement and upgrading of such structures will have no more than minor adverse effects on the environment, these activities will be specifically provided for.

Chapter 5 – Rural Land / Soils

Objective RURAL.1 – Sustainable use of rural land resource

Achieve sustainable use of Southland's rural land resource, in respect of:

- (a) agriculture and primary sector activities;
- (b) subdivision, use and development activities;
- (c) earthworks and vegetation clearance activities;
- (d) the use of soil resources;
- (e) mineral extraction activities; and
- (f) on-site wastewater systems.

Objective RURAL.2 – Life-supporting capacity of soils

Safeguard the life-supporting capacity, mauri and health of soils in rural areas, and prevent or minimise soil erosion and sedimentation from land use soil disturbance.

Chapter 15 – Infrastructure and Transport

Objective INF.1 – Southland's infrastructure

Southland's regionally significant, nationally significant and critical infrastructure is secure, operates efficiently, and is appropriately integrated with land use activities and the environment.

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.

Policy INF.2 – Infrastructure and the environment

Where practicable, avoid, remedy or mitigate the adverse effects of infrastructure on the environment. In determining the practicability of avoiding, remedying, or mitigating adverse effects on the environment, the following matters should be taken into account:

- (a) *any functional, operational or technical constraints that require the physical infrastructure of regional or national significance to be located or designed in the manner proposed;*
- (b) *whether there are any reasonably practical alternative designs or locations;*
- (c) *whether good practice approaches in design and construction are being adopted;*
- (d) *where appropriate, and such measures are volunteered by a resource user, whether any significant residual adverse effects can be offset or compensated for; and*
- (e) *the need to give effect to the NPSET (2008) including that planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.*

Policy INF.3 – Infrastructure protection

Protect regionally significant, nationally significant and critical infrastructure, particularly from new incompatible land uses and activities under, over or adjacent to the infrastructure.

Policy INF.4 – Natural hazards

The risks to infrastructure from natural hazards and climate change effects are avoided, remedied, or mitigated including through design and construction.

Chapter 17 – Urban

Objective URB.1 – Urban development

Urban (including industrial) development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes.