

BEFORE PROPOSED GORE DISTRICT PLAN HEARING PANEL

In the matter of

the Resource Management Act 1991

and

**the hearing of submissions made on
the Proposed Gore District Plan:
Hearing Stream 9 (Natural Features
and Landscapes, Natural Character)**

**Statement of Evidence of Ainsley Jean McLeod on behalf of
Transpower New Zealand Limited
(submitter reference 101 and further submitter reference 30)
dated 27 January 2024**

SUMMARY OF EVIDENCE

1. The submission made by Transpower New Zealand Limited ("Transpower") on the Proposed Gore District Plan ("Proposed District Plan") is concerned with how the Proposed District Plan recognises and provides for the nationally significant National Grid, and particularly the extent to which the provisions of the Proposed District Plan:
 - a. give effect to the National Policy Statement on Electricity Transmission 2008 ("NPSET");
 - b. give effect to the operative Southland Regional Policy Statement 2017 ("SRPS"), and
 - c. appropriately reflect the relationship of the Proposed District Plan with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA").
2. The NPSET provides policy direction in relation to:
 - a. recognising the benefits of the National Grid;
 - b. managing the adverse effects on the environment of the National Grid;
 - c. managing the adverse effects of land use and development on the National Grid; and
 - d. long-term strategic planning for transmission assets.
3. The SRPS includes the following provisions that are directly relevant to the National Grid, and the provisions of the Proposed District Plan:
 - a. Objective INF.1 – Southland's infrastructure;
 - b. Policy INF.1 – Regional, national and critical infrastructure;
 - c. Policy INF.2 – Infrastructure and the environment;
 - d. Policy INF.3 – Infrastructure protection;
 - e. Policy INF.4 – Natural hazards;
 - f. Policy INF.5 – Development, subdivision and land use;
 - g. Policy INF.6 – Promoting consistent and integrated management of infrastructure across the region;
 - h. Policy LNF.4 – Protection of outstanding natural features and landscapes; and
 - i. Method INF.2 – District plans.
4. In respect of the matters that are the subject of Hearing Stream 9, Transpower's submission, and further submission:
 - a. opposes Policy NFL-P1 on the basis that it does not give effect to the NPSET and because the relationship with Policy NFL-P3 is unclear;

- b. generally supports Policy NFL-P3 on the basis that the Policy seeks to give effect to Policies 3 and 4 of the NPSET, but seeks limited amendments to better achieve this;
 - c. generally supports Policy NFL-P4, but seeks refinements to the better reflect operational needs, delete superfluous references and include reference to the benefits of the proposed activity;
 - d. opposes the primary submissions made by the Director-General of Conservation seeking reference to the effects management hierarchy and a consideration of indigenous biological diversity values;
 - e. addresses the relationship, gaps, tension and potential conflict between rules and policies within the Natural Features and Landscapes Sub-Chapter and with the Infrastructure Sub-Chapter.
5. My evidence considers the relief sought by Transpower and addresses, as relevant to this relief, the recommendations made in the 'Section 42A Report – Hearing Stream 9 Natural Features & Landscapes Chapter' ("Section 42A Report").
 6. My evidence supports the deletion of Policy NFL-P3 alongside amendments to Policy INFR-P7 and Policy NFL-P1 in order to give effect to the NPSET and the SRPS and to resolve inconsistencies or tension between these provisions.
 7. My evidence supports a minor amendment to Rules NFL-R4, NFL-R1 and INFR-R3 to provide a more seamless approach, and to eliminate gaps in, the Rules that apply to the operation, maintenance, replacement, upgrading, repair and removal of infrastructure in an identified Outstanding Natural Feature or Landscape.
 8. I also address the proposed new Natural Character Chapter that has been introduced in response to submissions and Minute 18 of the Hearings Panel. I support amendments to Policies NATC-P1 and INFR-P7 (and the deletion of NATC-P3) that mirror those supported in respect of Policies NFL-P1, NFL-P3 and INFR-P7 in respect of Natural Features and Landscapes.
 9. It is my conclusion that the amendments I support are necessary and the most appropriate (in terms of the requirements of section 32 of the RMA) to:
 - a. achieve consistency with, and give effect to the relevant higher order provisions;
 - b. improve the efficiency, clarity and usability of the Proposed District Plan; and
 - c. therefore achieve the purpose of the RMA.

INTRODUCTION

10. My full name is Ainsley Jean McLeod. I am a self-employed planner, trading as Ainsley McLeod Consulting Limited.

11. I have been engaged by Transpower to provide expert planning evidence in relation to the submission and further submission made by Transpower on the Proposed District Plan.
12. This is the eighth statement of evidence prepared by me in relation to Transpower's submission and further submission. My qualifications and relevant experience are set out in my earlier evidence that was filed for Hearing Stream 1. I will not repeat this information here, but for completeness, I confirm that I am familiar with Transpower's roles and responsibilities and am also generally familiar with approaches taken in policy statements and plans to providing for infrastructure and utilities, including the National Grid, across New Zealand.
13. My evidence should be read in conjunction with my earlier evidence and, to avoid unnecessary repetition, I rely on that evidence where it is relevant to Hearing Stream 9.
14. For the purpose of my evidence, I rely on the evidence of Mr John Sutherland that was filed by Transpower for Hearing Stream 1. It describes Transpower's assets in Gore and gives an overview of Transpower's roles and responsibilities, including in respect of the pivotal role the National Grid plays in achieving New Zealand's 'Paris Climate Accord' commitment and decarbonisation.
15. By way of background, I note that Transpower's Invercargill – Roxburgh B 220kV transmission line traverses the Hokonui Hill Outstanding Natural Landscape.

CODE OF CONDUCT

16. Although this matter is not before the Environment Court, I acknowledge the Hearings Panel direction in Minute 6 (paragraph 5.24) and confirm that I have read the Code of Conduct for expert witnesses as contained in section 9 of the Environment Court Practice Note 2023. I further confirm that I have complied with this Code of Conduct when preparing my written statement of evidence and will do so, when giving evidence or otherwise participating in the hearing process.

SCOPE OF EVIDENCE

17. My evidence:
 - a. acknowledges the statutory requirements for the Proposed District Plan relevant to Hearing Stream 9;
 - b. describes Transpower's submission and further submission on the Proposed District Plan that are the subject of Hearing Stream 9; and
 - c. addresses (as relevant to the relief sought by Transpower) the recommendations made in the Section 42A Report; and
 - d. addresses the provisions included in the proposed new Natural Character Chapter that has been introduced in response to submissions and Minute 18 of the Hearings Panel.

RELEVANT STATUTORY FRAMEWORK

18. The statutory and policy considerations and directions for the Proposed District Plan, are referenced in my earlier evidence and I rely on my earlier evidence and do not repeat the relevant provisions here except to emphasise that the Proposed District Plan must give effect to the NPSET and the SRPS.
19. My analysis and consideration of the relief sought by Transpower is informed by the statutory framework for decisions on the Proposed District Plan set out in the Section 32 Reports, the RMA, and the on-going guidance provided by the modified Long Bay test.¹
20. Where my evidence addresses or emphasises a particular statutory requirement, such requirements are set out in the body of my evidence.
21. The remainder of my evidence describes Transpower's submission and further submission and considers these submissions alongside the recommendations made in the Section 42A Reports.
22. Amendments to the provisions of the Proposed District Plan are shown in my evidence as follows:
 - a. Section 42A Report recommendation text, including text amended in any subsequent 'right of reply': black underline and ~~black strikethrough~~;
 - b. submission and further submission text: red underline and ~~red strikethrough~~; and
 - c. amendments that I support in my evidence: blue double underline and ~~blue double strikethrough~~.

PART 2 DISTRICT WIDE MATTERS: NATURAL ENVIRONMENT VALUES - NATURAL FEATURES OR LANDSCAPES

Policy NFL-P1 – Giving effect to Policy 8 of the NPSET

23. Transpower's submission² opposes Policy NFL-P1 on the basis that, to the extent the Policy applies to the National Grid, the Policy is inconsistent with the policy direction in the NPSET for the management of the National Grid in and on natural features and landscapes. The submission notes that it is not clear how Policy NFL-P1 is intended to relate to Policy NFL-P3 and considers that the two policies may give differing directions and give rise to the potential

¹ *Long Bay – Okura Great Park Society v North Shore City Council* NZEnvC A078/2008, 16 July 2008, at [34], *High Country Rosehip Orchards Ltd v Mackenzie District Council* [2011] NZEnvC 387 and *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC55.

² Submission reference S101.057.

for tension between the two provisions. Transpower seeks an amendment to Policy NFL-P1 to direct that activities managed by Policy NFL-P3 are exempt from Policy NFL-P1.

24. The Section 42A Report recommends that Transpower's submission be rejected for the following reasons:

"196. Transpower's submission is acknowledged, however NFL-P1 is intended to apply to the development of critical infrastructure. Policy 8 of the NPSET directs that infrastructure should seek to avoid adverse effects on Outstanding Natural Landscapes which in my view is consistent with NFL Policy 1. While there may be some reconciliation required between NFL-P1 and NFL-P3, given the sensitive nature of an ONL, it is considered appropriate to avoid adverse effects on the values and characteristics of the ONFL (NFL-P1) whilst considering the Operational and functional needs of the activity (NFL-P3)."

25. I do not agree with conclusions reached in the Section 42A Report for the following reasons:

- a. The statement in the Section 42A Report that Policy 8 of the NPSET provides direction for infrastructure is incorrect. The NPSET, and therefore Policy 8, only applies to the National Grid. This is made clear in the Preamble to the NPSET as follows:

"This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991."

- b. Insofar as Policy NFL-P1 applies to the National Grid, the direction in Policy NFL-P1 to 'avoid adverse effects on the values and characteristics of identified Outstanding Natural Features and Landscapes' is not the same, or 'consistent with', the direction to 'seek to avoid' in Policy 8 of the NPSET that is as follows:

"In rural environments, 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."

26. While the Report concludes that Policies NFL-P1 and NFL-P3 are intended to apply to the 'development of critical infrastructure' and goes on to acknowledge 'there may be some reconciliation required between Policies NFL-P1 and NFL-P3', no amendments are proposed to reconcile any tension or conflict between the two Policies.

- a. In addition to the possible tension or conflict between Policies NFL-P1 and NFL-P3, the Section 42A Report has failed to consider the relationship (and potential for tension or conflict) between these Policies and those in the Infrastructure Sub-Chapter. In particular Policy INFR-P7 as recommended for amendment in Appendix A to the 'Right of Reply planning evidence of Tina Carlson-McColl and Mishka Banhidi on behalf of

Gore District Council for Hearing Stream 7 – Minute 27 National Planning Standards, Earthworks, Energy & Infrastructure Chapters’ dated 14 January 2025 that addresses the adverse effects of the development of infrastructure on ‘sensitive environments’³ and reads as follows:

~~“INFRA-P7-6 Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated to avoid, remedy, or mitigate any adverse effects on:~~

- ~~1. Sensitive environments, adjoining activities, sites and ecosystem health and~~
- ~~2. any actual or potential effects on mana whenua and the values they associate with the area including whakapapa, the mauri of natural resources, wāhi tapu, mahinga kai, the ability to exercise manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga; while~~
- ~~3. While considering the restraints imposed on measures to avoid remedy or mitigate adverse effects by recognising the functional need and operational needs of infrastructure.”~~

‘Avoid’ vs ‘seek to avoid’ and the higher order planning instruments

27. The overarching SRPS direction for the protection of outstanding natural features and landscapes in respect of all activities is SRPS Policy LNF.4 as follows:

“Policy LNF.4 – Protection of outstanding natural features and landscapes

Local authorities shall protect outstanding natural features and landscapes from inappropriate subdivision, use and development by having regard to the following:

- (a) whether the adverse effects of inappropriate activities on outstanding natural features and landscapes are avoided;*
- (b) the extent to which the outstanding natural feature or landscape would be modified or damaged including duration, frequency, magnitude or scale of any effect;*
- (c) the irreversibility of adverse effects on outstanding natural features or landscape values;*

³ The Proposed District Plan defines ‘sensitive environments’ as “Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity”.

- (d) *the resilience of the outstanding natural feature or landscape to change;*
- (e) *opportunities to remedy or mitigate previous adverse effects on the outstanding natural feature or landscape;*
- (f) *whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;*
- (g) *the relationship of the landscape to the surrounding environment."*

28. A key element of Policy LNF.4 is that the policy explicitly reflects section 6(b) of the RMA that directs persons exercising powers and functions under the RMA to recognise and provide for the '*protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development as a matter of national importance*'. I am of the view that RMA section 6(b) and SRPS Policy LNF.4 clearly apply a test in respect of the 'appropriateness' of an activity by directing the protection of outstanding natural features and landscapes from inappropriate activities as opposed to all activities. Further, with reference to clause (a) of SRPS Policy LNF.4, the SRPS directs that regard be had to whether the adverse effects of inappropriate activities are avoided; rather than the adverse effects of all activities.
29. In this regard, one example of an appropriate activity would be the operation, maintenance and upgrade of infrastructure that is already located in, on or over an Outstanding Natural Landscape or Feature.
30. In my opinion, Policy NFL-P1 is inconsistent with SRPS Policy LNF-4 because the same 'appropriate' test is not evident and instead Policy NFL-P1 requires the avoidance of all development and land use that results in significant adverse effects on landscape values regardless of whether the development or land use may be appropriate or inappropriate. That is, the implication is that any activity that has a significant adverse effect on landscape values must be inappropriate and therefore avoided.
31. In respect of the National Grid and Policy 8 of the NPSET, it is my view that the direction to 'seek to avoid' adverse effects of the National Grid (only) is a different, less stringent but firm, direction to the 'avoid' direction used in Policies NFL-P1 and NFL-P3. My understanding of the NPSET is that the way in which the 'seek to avoid' direction is achieved is through the process related policies of the NPSET that are as follows:

POLICY 3

"When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network."

POLICY 4

“When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.”

POLICY 5

“When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets. In terms of the potential conflict or tension between Policies NFL-P1 and NFL-P3,”

32. I note that the failure to reflect the NPSET Policy 8 direction to ‘seek to avoid’ may have come about in drafting the Proposed District Plan because the ‘Section 32 Report – Natural Features and Landscapes’ does not correctly set out the NPSET Policy 8 direction and instead states that the National Grid (generally, rather than the development of the National Grid) should ‘avoid’ adverse effects as follows:

“The following NPS are relevant to development of the NFL chapter:

- *NPS for Electricity Transmission 2008*

Policy 8 of the National Policy Statement for Electricity Transmission requires that the transmission system should avoid adverse effects on ONLs and areas of High Natural Character.”⁴

33. The Section 32 Report gives no further consideration to the NPSET and how Policy 8 is given effect to in the Proposed District Plan.
34. The same ‘seek to avoid’ direction is given in Policy INF.2 of the SRPS, which gives effect to Policy 8 of the NPSET, as follows

“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;*

⁴ Section 3.2, page 6.

- (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.”*

35. In respect of the provisions of higher order planning instruments I set out above, I note that these provisions must be given effect to in the Proposed District Plan. To achieve this, I am mindful of the Supreme Court’s observation as follows:

“[77] The Board was required to “give effect to” the NZCPS in considering King Salmon’s plan change applications. “Give effect to” simply means “implement”. On the face of it, it is a strong directive, creating a firm obligation on the part of those subject to it. As the Environment Court said in Clevedon Cares Inc v Manukau City Council:

[51] The phrase “give effect to” is a strong direction. This is understandably so for two reasons:

[a] The hierarchy of plans makes it important that objectives and policies at the regional level are given effect to at the district level; and

[b] The Regional Policy Statement, having passed through the [RMA] process, is deemed to give effect to Part 2 matters.”⁵

36. On the basis that Policy NFL-P1 is intended to apply to the National Grid, it is my conclusion that the Policy does not give effect to the NPSET or SRPS for the following reasons:

- a. The requirement to ‘avoid’ adverse effects on the values and characteristics of identified Outstanding Natural Features and Landscapes in the chapeau of the Policy; along with the requirement to avoid development and land use that results in significant adverse effects on landscape values in clause (1); and the requirement to avoid activities that are incompatible with the identified values (in clause (4):
 - i. for all activities, is more stringent than SRPS Policy LNF.4 because Policy LNF.4 only refers to the ‘avoidance’ of the adverse effects of ‘inappropriate activities’ as a matter to which regard must be had in order to achieve protection, as opposed to a direction to absolutely avoid the adverse effects of all activities;

⁵ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors*

- ii. for the development of the National Grid, is more stringent than the 'seek to avoid' direction in Policy 8 of the NPSET, including when considered alongside clauses (1), (2) and (4);
 - iii. for the operation, maintenance and minor upgrading of the National Grid, is more stringent than the 'must enable' direction in Policy 5 of the NPSET;
 - iv. for the development of the National Grid, is more stringent than the 'seek to avoid' direction in Policy INF.2(e);
- b. The requirement to remedy or mitigate other adverse effects on landscape values in clause (1) (those effects that are not significant) is less stringent than the 'seek to avoid' direction in Policy 8 of the NPSET because the policy framework for development of the National Grid in the NPSET does not distinguish significant adverse effect in relation to natural features and landscapes.
 - c. The Policy fails to describe inappropriate activities in relation to the protection of outstanding natural features and landscapes, and conversely does not identify appropriate activities such that all activities are captured;
 - d. The Policy fails to distinguish and enable the operation, maintenance and minor upgrading of infrastructure that is already located in, on or over an Outstanding Natural Landscape or Feature in a manner that is consistent with Policy INFR-P1 (in respect of all infrastructure) and gives effect to NPSET Policy 5 (in respect of the National Grid).
 - e. In respect of clause (c), the directions in respect of visual integration in clause (c), fail to contemplate the particular characteristics of the National Grid that would present significant challenges to demonstrating the matters required by clause (c). These challenges are recognised by the Preamble to the NPSET that sets out the rationale for the NPSET as follows:

"Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- *Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.*
- *These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.*
- *Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects."*

- f. Because the Policy would have the effect of preventing the National Grid from locating in identified Outstanding Natural Features and Landscapes, the Policy fails to give effect to the directive enabling provisions in the NPSET as follows:

POLICY 1

“In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. ...”

POLICY 2

“In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.”

37. For the reasons set out above, it is my view that Policy INFR-P1 (on the basis that the Policy applies to the National Grid) requires amendment in order to give effect to the NPSET and SRPS. I set out my views in respect of amendments I support later in my evidence following my consideration of Transpower’s submission and the Section 42A Report recommendations in relation to Policy NFL-P3.

Policy NFL-P3 – Giving effect to Policy 8 of the NPSET

38. Transpower’s submission⁶ generally supports Policy NFL-P3 on the basis that the Policy recognises that there are circumstances where the functional needs or operational needs of critical infrastructure will necessitate its location within, or on, natural features or landscapes. Transpower considers that clause (1) of the Policy, subject to limited amendments, mirrors the recognition of technical and operational requirements in respect of location in Policy 3 of the NPSET but concludes that clause (2) of the Policy fails to give similar consideration to the extent to which it is practicable for the effects of the National Grid to be avoided or mitigated in a manner consistent with NPSET Policy (4).

39. The amendments sought in Transpower’s submission are as follows:

“NFL-P3 Avoid the placement of critical infrastructure within identified outstanding natural features and landscapes, unless, having regard to the operational needs or functional needs of the activity

1. *There is no reasonable alternative ~~due to the operational or functional need~~ for the location; and*

⁶ Submission reference S101.058.

2. *Adverse effects on landscape values can be avoided or appropriately mitigated to the extent feasible.*
40. The Section 42A Report recommends that Transpower's submission is accepted in part for the following reasons:
- "Transpowers submission requesting amendments to NFL-P3 is acknowledged and largely agreed with. Their proposed wording to move the operational and functional needs of the activity into the body of the policy provides improved alignment with the NPS-ET. The requested relief of "where feasible" however is not supported as this in my view provides for a softening of the policy and would lack sufficient safeguards to mitigate adverse environmental impacts."*
41. The amendments to Policy NFL-P3 that are recommended in the Section 42A Report are as follows:
- "NFL-P3 Avoid the placement of ~~critical~~ infrastructure within identified outstanding natural features and landscapes, unless, having regard to the operational needs or functional needs of the activity*
1. *There is no reasonable alternative ~~due to the operational or functional need~~ for the location; and*
 2. *Adverse effects on landscape values can be avoided or appropriately mitigated."*
42. Setting aside the issue of conflict or tension between Policies NFL-P1, NFL-P3 and INF-P7 that I have identified elsewhere in my evidence, for the reasons given in Transpower's submission, and those given in the Section 42A Report, I generally support the recommended amendments to Policy NFL-P3.
43. I have given consideration to whether the addition of 'to the extent feasible' is necessary in Policy NFL-P3(2) and I am of the view that reference to 'to the extent feasible' is not necessary in this clause to give effect to the NPSET Policy 4. Policy 4 is set out above and directs that, for new or major upgrades to the National Grid, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.
44. In my view, acknowledging that the policy applies to all infrastructure rather than just the National Grid, clause (1) invites a consideration of route and site, if not method, selection and clause (2) introduces a 'test' of whether effects are 'appropriately' mitigated such that the Policy is not inconsistent with the NPSET.
45. That said, I understand that Policy NFL-P3, through the use of 'avoid the placement' is intended to apply to new infrastructure in identified Outstanding Natural Features and

Landscapes, rather than infrastructure that is already 'placed' in those areas. In order to make this clear, I support either of the following amendments to the chapeau to Policy NFL-P3:

OPTION 1

"NFL-P3 Avoid ~~the placement of critical~~ new infrastructure within identified outstanding natural features and landscapes, unless, having regard to the operational needs or functional needs of the activity"

OPTION 2

"NFL-P3 Avoid the development of ~~placement of critical~~ infrastructure within identified outstanding natural features and landscapes, unless, having regard to the operational needs or functional needs of the activity"

OPTION 3

"NFL-P3 Avoid the placement of ~~critical~~ new infrastructure within identified outstanding natural features and landscapes, unless, having regard to the operational needs or functional needs of the activity"

Policy NFL-P4

46. Transpower's submission⁷ generally supports Policy NFL-P4 but seeks limited amendments to clause (3) to better refer to operational needs and to delete the superfluous reference to Outstanding Natural Features or Landscapes. In addition, Transpower seeks the inclusion of reference to the benefits of the proposed activity as a relevant consideration in a manner that is consistent with the Objective and Policy 1 of the NPSET.

47. The relief sought by Transpower is as follows:

"NFL-P4 When assessing resource consents within Outstanding Natural Features and Landscapes, consider the following matters;

- 1. The extent to which adverse effects on landscape values can be managed, avoided or appropriately mitigated; and*
- 2. The extent to which the proposed activity recognises and provides for Ngāi Tahu cultural values, rights and interests; and*
- 3. The operational needs or functional needs s of for the activity ~~to be undertaken within an Outstanding Natural Feature or Landscape.~~*
x. The benefits of the proposed activity to the health, safety and wellbeing of people and communities."

⁷ Submission reference S101.059.

48. Transpower's submission is supported by a further submission made by Stoney Creek Station Ltd.⁸
49. The Section 42A Report recommends that the submission be accepted for the following reasons:
- "241. Transpowers submission is acknowledged and supported. The proposed minor amendments to NFL-P4.3 better align with the defined term of "operational need", and it is agreed the use of Outstanding Natural Features is superfluous. The addition of "The benefits of the proposed activity to the health, safety and wellbeing of people and communities" is supported as aligning with Objective 1 of the NPS-ET."*
50. Appendix A to the Section 42A Report includes the amendments sought by Transpower in Policy NFL-P4.
51. For the reasons given in Transpower's submission, along with the reasons given in the Section 42A Report, I support the recommended amendments to Policy NFL-P4.

Policies NFL-P3 and NFL-P4 Transpower's further submission

52. Transpower's further submission⁹ opposes the primary submissions made by the Director-General of Conservation¹⁰ ("Director-General") that seeks the inclusion of reference to the effects management hierarchy and a consideration of indigenous biological diversity values in Policies NFL-P3 and NFL-P4. The Director General seeks the following amendments:

"NFL-P3: Avoid the placement of critical infrastructure within identified outstanding natural features and landscapes, unless

...

"NFL-P4 Adverse effects on landscape and indigenous biodiversity values can be avoided or appropriately mitigated by applying the effects management hierarchy."

When assessing resource consents within Outstanding Natural Features and Landscapes, consider the following matters;

1. *The extent to which adverse effects on landscape and indigenous biodiversity values can be ~~managed~~, avoided or appropriately mitigated through the application of the effects management hierarchy; and ..."*

⁸ Further submission reference FS25.082.

⁹ Further submission references FS30.024 and FS30.25.

¹⁰ Submission references S109.074 and S109.075.

53. Transpower's further submission does not support the relief sought *"because there is no clear reason to extend the Policy to address indigenous biodiversity values where these values are identified and addressed in the ECO Chapter. Further, there is not rationale for extending the effects management hierarchy for the management of freshwater and indigenous biodiversity to also apply to landscape values"*.
54. The Section 42A Report recommends that the primary submissions be accepted in part and rejected for the following reasons:
- "226. DOCs submission is acknowledged and the requested relief of referring to infrastructure as opposed to critical infrastructure is supported. It is noted that the possibility that this change could result in unintended conflict in instances where smaller scale infrastructure is proposed has been considered. It is noted that many farm based infrastructure land uses are now recommended to be provided for as permitted activities, in instances where consents are required and this policy assessed, it is considered that these activities would likely be consistent with this policy, noting the operational and functional needs, and the provision for alignment where adverse effects on landscape values can be avoided or mitigated.*
- 227. DOCs submission regarding the specific inclusion of indigenous biodiversity and the effects management hierarchy is not supported. While indigenous biodiversity loss can result in adverse landscape effects, I consider that this consideration is already provided for within NFL-P1, with reference Appendix 5. The management of indigenous biodiversity outside of landscape effects is more appropriately located within the ECO chapter*
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- 240. DOCs submission regarding the specific inclusion of indigenous biodiversity and the effects management hierarchy is not supported. While indigenous biodiversity loss can result in adverse landscape effects, I consider that this consideration is already provided for within NFL-P1, with reference Appendix 5. The management of indigenous biodiversity outside of landscape effects is more appropriately located within the ECO chapter."*
55. In respect of Transpower's further submissions, I support the recommendation that no amendment is made to Policies NFL-P3 and NFL-P4 to address indigenous biodiversity for the reasons given in Transpower's submission and generally for the reasons given in paragraph 227 in the Section 42A Report.

Relationship between the Policies in the Natural Features and Landscapes Sub-Chapter and the Infrastructure Sub-Chapter

56. Earlier in my evidence I have concluded that Policy NFL-P1 does not give effect to the NPSET and the SRPS. I have also highlighted the potential tension on conflict between the relevant provisions that relate to infrastructure generally, and the National Grid specifically, in identified Outstanding Natural Features and Landscapes. In particular:
- a. Policy INFR-P7 – directs the management of the development of infrastructure to avoid, remedy, or mitigate any adverse effects on sensitive environments;
 - b. Policy NFL-P1 – directs the avoidance of adverse effects on the values and characteristics of identified Outstanding Natural Features and Landscapes by:
 - i. avoiding development and land use that results in significant adverse effects on landscape values and avoiding or appropriately mitigating other adverse effects;
 - ii. avoiding activities that are incompatible with the identified values;
 - c. Policy NFL-P3 – directs the avoidance of the placement of infrastructure except where there is a no reasonable alternative and where adverse effects are appropriately managed.
57. For the reasons set out earlier in my evidence and in order to give effect to the relevant higher order planning instruments; and to resolve and reconcile potentially differing directions in the various provisions, I support the following amendments to the Policies. The amendments I support include the merging of Policies NFL-P1 and NFL-P3. I consider that this improves the clarity of the policy pathway for infrastructure that is implied by Policy NFL-P3 (the following amendment to INFR-P7 also responds to my evidence in respect of the proposed new Natural Character Chapter):

INFR-P7

~~“INFR-P7-6 Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated to avoid, remedy, or mitigate any adverse effects on:~~

~~1. Sensitive environments, by:~~

~~(a) in identified Outstanding Natural Features and Landscape in accordance with Policy NFL-P1;~~

~~(b) in rivers and streams described in Appendix 6 in accordance with Policy NATC-P1;~~

~~(c) [insert direction for other sensitive environments]~~

~~x. adjoining activities, sites and ecosystem health and~~

2. any actual or potential effects on mana whenua and the values they associate with the area including whakapapa, the mauri of natural resources, wāhi tapu, mahinga kai, the ability to exercise manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga; while
3. While considering the restraints imposed on measures to avoid remedy or mitigate adverse effects by recognising the functional need and operational needs of infrastructure.”

NFL-P1

“NFL-P1 Avoid adverse effects on the values and characteristics of identified Outstanding Natural Features and Landscapes described within Appendix 5 by:

1. Avoiding development and land use that results in significant adverse effects on landscape values and avoiding or appropriately mitigating other adverse effects on landscape values.
2. Recognising the existence of working pastoral farms and their contribution to the openness and landform legibility of Outstanding Natural Features and Landscapes;
3. Demonstrating how development can be visually integrated into the landscape by: (a) remedying or mitigating the impacts on the visual continuity of the Hokonui Hills Skyline and visually prominent hillslopes; (b) ensuring buildings and structures are appropriately sited, designed, finished, and if required, mitigated by appropriate plantings, to have minimal impact on the landscape values. (c) ensuring that building density and form maintains the identified landscape values.
4. Avoiding activities that are incompatible with the identified values, including plantation forestry and mineral extraction,
5. ~~Recognising and providing protection for Ngāi Tahu cultural values as they relate to Natural Features and Landscapes. Ensuring values mana whenua associate with areas classified as outstanding natural features or landscapes are recognised and provided for in both classifying these areas and assessing the effects of activities in these areas.~~

6. Notwithstanding clause (1), (3) and (4), for the National Grid,

(a) enabling the reasonable operational, maintenance and minor upgrade requirements of established National Grid assets;

(b) seeking to avoid adverse effects of the development of the National Grid on landscape values, including by having regard to:

i. the operational needs or functional needs National Grid; and

ii. the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection

7. Avoid new infrastructure, unless, having regard to the operational needs or functional needs of the activity:

(a) there is no reasonable alternative the location; and

(b) adverse effects on landscape values can be avoided or appropriately mitigated.”

NFL-P3

~~“NFL-P3 Avoid the placement of critical infrastructure within identified outstanding natural features and landscapes, unless, having regard to the operational needs or functional needs of the activity~~

~~1. There is no reasonable alternative due to the operational or functional need for the location; and~~

~~2. Adverse effects on landscape values can be avoided or appropriately mitigated.”~~

58. In terms of the drafting I support (set out above):

- a. I have preferred a National Grid specific approach because only the National Grid benefits from the policy direction in the NPSET;
- b. I have used the ‘seek to avoid’ language from Policy 8 of the NPSET and the SRPS;
- c. I have addressed all adverse effects, rather than just significant effects because the NPSET does not make a distinction between significant and other effects;
- d. I have embedded the directions given in NPSET Policies 3 and 4 in respect of how adverse effects of the National Grid must be considered.

Note 1 and Rule NFL-R4 Maintenance of critical infrastructure, existing roads, farm tracks, walking and cycling trails within an identified ONF/L

59. Transpower’s submission¹¹ seeks that Rule NFL-R4 be deleted and, as a consequence, Note 1 be amended as follows:

“The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. Infrastructure activities are provided for in the Infrastructure Chapter and the rules in this chapter do not apply to infrastructure activities.”

¹¹ Submission reference S101.060.

60. Transpower considers that Note 1 is not sufficiently clear in terms of the rules that might apply to critical infrastructure generally, and the National Grid specifically and notes that:

“as written, the Note could be understood to direct that rules apply to infrastructure in addition to the rules in the Infrastructure Chapter generally. Further, The Natural Features and Landscapes Sub-Chapter includes a rule in relation to the maintenance of critical infrastructure but does not address upgraded or new infrastructure. ... In Transpower’s view there are opportunities to set out the provisions more clearly by relocating Rule NFL-R4 to the Infrastructure Sub-Chapter and including further direction in the Note.”

61. Transpower’s submission is supported by the further submission made by Yrless Limited¹² and opposed by a further submission made by Stoney Creek Station Limited¹³ (FS25.0100) on the basis that the relief would have consequences for other activities.

62. The Section 42A Report recommends that Transpower’s submission be rejected for the following reasons:

“291. Transpower’s submission is acknowledged, however it is considered appropriate for the maintenance of infrastructure within ONF/Ls to be provided for within the NFL Chapter. I do acknowledge that this rule can sit in either chapter, as per the direction of the National Planning Standards, however I consider there is limited benefit to moving this rule into the INFR Chapter, as the rule which also relates to roads, farm track and recreational trails would then be required to be split. Given the recommended amendments to the INFR Chapter to cross reference to the NFL Chapter I believe this provides sufficient clarity to plan users.”

63. As a preliminary matter I note that the Section 42A Report refers to recommended amendments to the Infrastructure Sub-Chapter to cross reference the Natural Features and Landscapes Sub-Chapter. I have reviewed Appendix A to the ‘Right of Reply planning evidence of Tina Carlson-McColl and Mishka Banhidi on behalf of Gore District Council for Hearing Stream 7 – Minute 27 National Planning Standards, Earthworks, Energy & Infrastructure Chapters’ dated 14 January 2025 and have not identified any amendments that make the cross reference referred to in the Section 42A Report.

64. In terms of Rule NFL-R4, insofar as the Rule relates to the National Grid, the NESETA sets out a regulatory framework for the operation, maintenance and upgrading of existing National Grid transmission lines. This means that for all existing National Grid transmission lines in Gore, the Proposed District Plan Rules do not apply, including Rule NFL-R4. On this basis, I

¹² Further submission reference FS21.076.

¹³ Further submission reference FS25.0100.

do not consider that it is necessary to delete or otherwise amend Rule NFL-R4 to address National Grid activities.

65. That said, I share the view expressed in Transpower's submission in relation to the lack of clarity in respect of the Rules that apply generally to existing infrastructure. By way of explanation:
- a. Rule INFR-R1 provides for the 'Establishment, operation, maintenance, replacement, upgrade, repair or removal of infrastructure (including Green Infrastructure)' below ground level not otherwise addressed by another rule in this chapter as a permitted activity without standards in all zones;
 - b. Rule INFR-R2 provides for the 'Establishment, operation, maintenance, replacement, upgrade, repair or removal of infrastructure within a building not otherwise addressed by another rule in this chapter' as a permitted activity without standards in all zones;
 - c. Rule INFR-R3 provides for the 'Operation, maintenance, replacement, upgrade, repair or removal of existing above ground level infrastructure and access tracks' subject to standards as a permitted activity in all zones; and
 - d. Rule NFL-R4 provides for the 'Maintenance of infrastructure, existing roads, farm tracks, walking and cycling trails within an identified ONF/L' subject to a standard that the scale is not increased.
66. In my view it is not clear which Rule would apply to the operation, replacement, upgrade, repair or removal of infrastructure in an identified Outstanding Natural Feature or Landscape. That is, it is possible that the default restricted discretionary activity status in Rule NFL-R4 could apply. However, Rule NFL-R4 clearly relates to maintenance. Alternatively, Rules INFR-R1, INFR-R2 and INFR-R3 could apply or possibly another Rule in the Outstanding Natural Feature or Landscapes Sub-Chapter.
67. It is my opinion that there is merit in further considering how existing infrastructure is managed when located in, on or over an identified Outstanding Natural Feature or Landscape. In this regard, I support amending Rule INFR-R3 so that the impacts of the operation, maintenance, replacement, upgrade, repair or removal of existing above ground level infrastructure and access tracks are able to be considered. My view is that locating the provisions in the Infrastructure Sub-Chapter has benefits because the plan users most likely to refer to, and rely on, the Rules are infrastructure providers.
68. The amendments I support are as follows:

Rule NFL-R4

"NFL-R4 Maintenance of critical ~~infrastructure~~, existing roads, farm tracks, walking and cycling trails within an identified ONF/L"

Rule INFR-R3

“INFR-R3 Operation, maintenance, replacement, upgrade, repair or removal of existing above ground level infrastructure and access tracks.

...

Matters of discretion

x. Effects on the values as listed within NFL-APP Appendix 5.”

69. Turning to Transpower’s relief in respect of new National Grid assets. The NESETA does not apply to new National Grid assets and therefore, the Proposed District Plan rules apply. Rule INFR-R9 provides for the ‘Establishment of new infrastructure within specified areas’ as a discretionary activity. The specified areas include an Outstanding Natural Feature or Landscape. I understand that Transpower’s submission is concerned with the possibility of duplication and inconsistency if the Rules in the Natural Features and Landscapes Sub-Chapter also apply to new National Grid assets in an identified Outstanding Natural Feature or Landscape (possibly Rule NFL-R1 Buildings and Structures (excluding fences) within an identified ONF/L).
70. In my opinion, Rule INFR-R9 clearly manages new infrastructure in identified Outstanding Natural Feature or Landscape, while the extent to which other provisions apply is not sufficiently clear. I am of the view that additional regulation, beyond Rule INFR-R9 is unnecessary duplication, ineffective and inefficient. On this basis I support the following amendment to Rule NFL-R1:

“NFL-R1 Buildings and Structures (excluding fences and new infrastructure managed by Rule INFR-R9) within an identified ONF/L”

PROPOSED NATURAL CHARACTER CHAPTER

71. I acknowledge that, in response to submissions and ‘Minute 18 of the Hearings Panel – Natural Character’ it is proposed to introduce a new Natural Character Chapter to the Proposed District Plan, along with consequential amendments throughout the Proposed District Plan.
72. I have reviewed the proposed new Natural Character Chapter and, insofar as the Chapter is relevant to Transpower’s interests and assets, given consideration to the extent to which the proposed provisions give effect to the relevant higher order planning instruments. In this regard, I consider the directly relevant provisions to be the following (repeated from earlier in my evidence), although I note that other provisions are relevant, including those that direct the recognition, provision for or enablement of infrastructure activities generally or the National Grid specifically:

Section 6(a) of the RMA

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development: ...”*

Policy 8 of the NPSET

“In rural environments, 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.”

SRPS Objective BRL.1 – Lake and river bed values

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

SRPS 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.”*

73. The following table lists the proposed provisions of the new Natural Character Chapter and sets out my conclusions in respect of the extent to which the provisions give effect to the higher order planning instruments:

Provision	Commentary and conclusion
Objectives	
<i>“NATC-O1 Natural character values of rivers, streams and their margins are preserved and protected from inappropriate subdivision, land use and development.”</i>	Objective NATC-O1 replicates section 6(a) of the RMA insofar as it is relevant to Gore District. On this basis, I am of the view that the Objective is effective and appropriate.
Policies	
<i>“NATC-P1 Avoid adverse effects on the natural character values of rivers and streams described in Appendix 6 by:</i> <i>1. Avoiding development and land use that results in significant adverse effects on natural character values and avoiding or appropriately mitigating other adverse effects on natural character values; and</i> <i>2. Managing activities that affect the natural character values, including structures within close proximity to the river margins, mineral extraction and earthworks, indigenous vegetation removal and activities on the surface of the water.”</i>	The chapeau and clause (1) in Policy NATC-P1 mirror Policy NFL-P1 that I address earlier in my evidence (primarily at paragraph 33). My evidence concludes that Policy NFL-P1 does not give effect to the NPSET or SRPS. It is my opinion that Policy NATC-P1 similarly does not give effect to the NPSET or the SRPS for the same reason. I adopt my earlier evidence in this regard. It is my conclusion that Policy NATC-P1 requires amendments that take the same approach to the approach I support in respect of Policies NFL-P1, NFL-P3 and INFR-P7, subject to a consequential amendment to the definition of ‘sensitive environments’.
<i>“NATC-P2 Provide for and encourage the restoration and/or enhancement of the natural character of rivers, streams and their margins where:</i> <i>1. Restoration and/or enhancement will achieve long-term improvement in natural character; and/or</i> <i>2. It will assist in the restoration of indigenous biodiversity or ecosystems and angling fisheries species; and/or</i> <i>3. It will support improved health and abundance of taonga species; and/or</i> <i>4. Riparian margins provide a buffer from activities that</i>	I do not oppose Policy NATC-P2 on the basis that the Policy does not impose a firm obligation to ‘restore’ and ‘enhance’ and is generally consistent SRPS Objective BLR.1 (albeit that the SRPS Objective only directs the maintenance and enhancement of significant values).

Provision	Commentary and conclusion
<i>may adversely affect the natural character values of the river; and/or</i> 5. <i>Riparian margins provide spawning or other significant habitats for at risk or threatened species.”</i>	
NATC-P3 <i>Avoid the placement of critical infrastructure within rivers and their margins, unless</i> <i>1. There is no reasonable alternative due to the operational need or functional need for the location; and</i> <i>2. Adverse effects on natural character values can be avoided or appropriately mitigated.”</i>	Policy NATC-P3 mirrors Policy NFL-P3 that I address earlier in my evidence (primarily at paragraph 33). However, Policy NATC-P3 does not replicate amendments recommended in the Section 42A Report in relation to Policy NFL-P3. My evidence concludes (at paragraph 42) that Policy NFL-P3 requires limited amendments to improve the clarity of the Policy. I adopt my earlier evidence in this regard and support NATC-P3 being amended as recommended in the Section 42A Report and as suggested earlier in my evidence in respect of Policy NFL-P3.
“NATC-P4 <i>When assessing resource consents within close proximity to river margins, consider the effects on natural character values of the waterbody, taking guidance from the values identified in Appendix 6 and the following matters:</i> <i>1. The extent to which adverse effects on any natural character values can be managed, avoided or appropriately managed; and</i> <i>2. The extent to which the proposed activity preserves or enhances any natural character values of the waterbodies; and</i> <i>3. The operational need and functional need for the activity to be undertaken within close proximity to rivers and their margins.”</i>	Again, I acknowledge that NATC-P4 mirrors Policy NFL-P4. However, Policy NATC-P4 does not replicate amendments recommended in the Section 42A Report in relation to Policy NFL-P4. My evidence supports the Section 42A Report recommended amendments to Policy NFL-P4 and, for the same reasons, I similarly support those same amendments being replicated in Policy NATC-P4.

74. Consistent with my evidence in relation to the Natural Features and Landscapes Sub-Chapter, the amendments I support, in order to give effect to the relevant higher order planning instruments and therefore achieve the purpose of the RMA are as follows:

Definition of 'sensitive environments'

"Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity and rivers and streams described in Appendix 6"

INFR-P7

~~"INFR-P7-6 Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated to avoid, remedy, or mitigate any adverse effects on:~~

1. ~~Sensitive environments, by:~~

(a) ~~in identified Outstanding Natural Features and Landscape in accordance with Policy NFL-P1:~~

(b) ~~in rivers and streams described in Appendix 6 in accordance with Policy NATC-P1:~~

(c) ~~[insert direction for other sensitive environments]~~

x. ~~adjoining activities, sites and ecosystem health and~~

2. ~~any actual or potential effects on mana whenua and the values they associate with the area including whakapapa, the mauri of natural resources, wāhi tapu, mahinga kai, the ability to exercise manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga; while~~

3. ~~While considering the restraints imposed on measures to avoid remedy or mitigate adverse effects by recognising the functional need and operational needs of infrastructure."~~

NATC-P1

"NATC-P1 Avoid adverse effects on the natural character values of rivers and streams described in Appendix 6 by:

1. Avoiding development and land use that results in significant adverse effects on natural character values and avoiding or appropriately mitigating other adverse effects on natural character values; ~~and~~

2. Managing activities that affect the natural character values, including structures within close proximity to the river margins, mineral extraction and earthworks, indigenous vegetation removal and activities on the surface of the water:

3. ~~Notwithstanding clause (1) for the National Grid.~~

- (a) enabling the reasonable operational, maintenance and minor upgrade requirements of established National Grid assets;
- (b) seeking to avoid adverse effects of the development of the National Grid on natural character values, including by having regard to:
 - i. the operational needs or functional needs National Grid; and
 - ii. the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection;

7. Avoid new infrastructure, unless, having regard to the operational needs or functional needs of the activity:

- (a) there is no reasonable alternative the location; and
- (b) adverse effects on landscape values can be avoided or appropriately mitigated.”

NATC-P3

~~“NATC-P3 Avoid the placement of critical infrastructure within rivers and their margins, unless~~

- ~~1. There is no reasonable alternative due to the operational need or functional need for the location; and~~
- ~~2. Adverse effects on natural character values can be avoided or appropriately mitigated.”~~



Ainsley Jean McLeod

27 January 2025