

BEFORE THE INDEPENDENT HEARING PANEL FOR THE PROPOSED PORIRUA DISTRICT PLAN

UNDER the Resource Management Act
1991

IN THE MATTER OF Proposed Porirua District Plan

AND

IN THE MATTER OF Submitter (84) and Further
Submitter (63) by Firstgas Limited

**WRITTEN STATEMENT OF EVIDENCE OF MEGHAN ELIZABETH BARRETT
(PLANNING)**

**Hearing Stream 1: Over-arching matters, Plan-wide structural issues, Definitions
applying across more than one hearing stream**

Evidence date: 8 September 2021

Hearing Commencement date: 27 September – 1 October 2021

INTRODUCTION

Qualifications and Experience

1. My name is Meghan Elizabeth Barrett.
2. I am employed by the consultancy firm Beca Ltd and my role with the company is a Senior Planner.
3. I hold a Bachelor of Resource and Environmental Planning (Hons) from Massey University, Palmerston North.
4. I am an Intermediate member of the New Zealand Planning Institute.
5. I have nine years of experience in the planning profession between working for both local government as well as private consultancy firms. I have worked providing consultancy services and processing consents for a wide range of clients around New Zealand including local authorities, land developers, and the infrastructure and transport sectors.
6. I am familiar with the approach that Firstgas Limited (FGL) have in terms of their assets and activities and the approach to resource management framework and processes.

Code of Conduct

7. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014 and my evidence has been prepared in compliance with that Code. Unless I state otherwise this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Scope of Evidence

8. My written evidence covers the submission points lodged by FGL in relation to the Over-arching matters, Plan-wide structural issues, and Definitions applying across more than one hearing stream, and also responds to the following Section 42A reports, where necessary to do so:

- (a) Proposed Porirua District Plan: Part A – Overarching Report – Ms Torrey McDonnell, dated 27 August 2021; and
 - (b) Proposed Porirua District Plan: Definitions and Nesting Tables – Mr Michael Rachlin, dated 27 August 2021.
9. My written evidence will briefly address the following:
- (a) The planning background for FGL’s submissions and an outline of the need to provide sufficient recognition and protection of the high-pressure gas transmission network in the District in higher order planning documents / frameworks.
 - (b) My responses to the recommendations made in the Section 42A Overarching Report and Definitions and Nesting Tables Reports on FGL’s submissions.
10. This evidence is being tabled and there is no request to speak to this evidence given that it is supportive of the reporting officer’s recommendations. If commissioners have any questions, I would be available to respond.

Planning Background and Higher Order Planning Documents

11. Ultimately, the purpose of the RMA is to promote the sustainable management of natural and physical resources. The term ‘sustainable management’ is defined in Section 5 and includes enabling people and communities to provide for their social, economic and cultural well-being and for their health and safety.
12. In my view, reference to ‘economic’, ‘social well-being’ and ‘health and safety’ in Section 5 of the RMA puts gas related services and activities at the heart of the overall purpose of the RMA. The gas network delivers significant benefits to people and communities, supporting their social and economic well-being, as well as providing for their health and safety. Activities and operations associated with the gas transmission network clearly provides a critical role in this context for the Porirua region.
13. The RMA recognises the importance of infrastructure pipelines that distribute or transmit natural or manufactured gas and regulates the provision of infrastructure. This is demonstrated through recognising Firstgas, the network utility operator, as a Requiring Authority under Section 167 of the RMA.
14. The Greater Wellington Regional Policy Statement 2013 (GWRPS) recognises the importance of infrastructure to enable communities to provide for their social,

economic and cultural wellbeing. As such, *Regionally Significant Infrastructure* is defined as including pipelines for the distribution or transmission of natural or manufactured gas or petroleum. This recognition is further demonstrated by the following objective and policies within the GWRPS:

OBJECTIVE 10 *The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.*

POLICY 7 *Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans.*

POLICY 8 *Protecting regionally significant infrastructure – regional and district plans.*

POLICY 39 *Recognising the benefits from renewable energy and regionally significant infrastructure.*

15. The Porirua District Plan is required to 'give effect' to these higher order planning documents¹ or in other words implement. My view is that the bundle of GWRPS policies related to regionally significant infrastructure imparts a clear enabling and protective focus in relation to the gas network.
16. In the enabling context, the explanation to Policy 7² recognises the benefits of people having access to energy in order to meet their needs. The ability to recognise this is reliant on that energy network (i.e. the gas network) operating effectively and efficiently, as well as being able to be maintained and upgraded (inclusive of access to that network).
17. Policy 8 imparts a clear and direct protective focus, in that the Porirua District Plan shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. The explanation to Policy 8 confirms that protecting regionally significant infrastructure does not mean that all land uses or activities under, over, or adjacent are prevented; rather that their effects are compatible with the operation, maintenance and upgrading of the infrastructure. This approach

¹ Refer Section 75 RMA

² GWRPS Policy 7(a)(iii)

aligns with FGL's network operations insofar that the gas transmission network must be allowed to efficiently and effectively operate, be maintained, and upgraded.

Section 42A Report Recommendations – Overarching Report

18. I have set out below in tabulated form (**Table 1**) the submissions and further submissions lodged by FGL, and the recommendations made on those submissions in the Overarching Report 42A Report.
19. Following a review of the Section 42A report, I concur with the recommendations made in relation to submission point 81.251. I understand the recommendations made relate only to the use of the word 'avoid' within policy INF-P5 and that consideration of the policy more broadly will be made within the S42A report and hearing relating to the Infrastructure chapter.
20. Following a review of the Section 42A report, and noting some of the matters will be heard in future hearing streams, I concur with the recommendations made. In particular, I concur with the recommendation to use the term "minimise" instead of "mitigate" in the context of objective EW-01. I agree with the s42A author that the term 'minimise' is appropriate to use in situations where the plan is seeking to reduce an effect to the greatest possible extent. Within objective EW-01, the effects being minimised are adverse effects on the gas transmission network resulting from earthworks. I am of the opinion that this is a suitable objective for protecting this regionally significant infrastructure.

Section 42A Report Recommendations – Definitions and Nesting Tables

21. I have set out below in tabulated form (**Table 1**) the submission lodged by FGL, and the recommendations made on that submission in the Section 42A Definitions and Nesting Tables Report.
22. Following a review of the Section 42A report, I concur with the recommendations made in that report to accept FGL's submission and provide for clear definitions and relative outcomes sought on gas transmission networks and pipelines.

Conclusion

23. In summary, my view is that the gas transmission infrastructure provides for peoples' and communities' well-being and health and safety. These matters are at the heart of sustainable management as defined by Section 5 of the RMA.
24. I consider the relevant provisions as recommended in the Section 42A reports will appropriately:

- (a) recognise Firstgas' transmission network and pipeline by providing appropriate definitions which will then inform provisions throughout the plan and set a platform to recognise the strategic importance of this network to the Porirua District; and
- (b) provide for the safe, efficient and effective operation, maintenance, replacement, upgrade, removal and/ or development of the network.

Table 1: Summary of my opinion on the Section 42A Overarching Report and Definitions and Nesting Tables Recommendations – FGL Submissions

Submission reference	Provision	Submission intent	Section 42A report recommendation	My opinion on the section 42A recommendation
Part A: Overarching Report				
FS63.18 (S81.251)	INF-P5	Oppose Kainga Ora's submission and seeks for Policy INF-P5 to be retained as notified.	Accept, noting that the report states the part of this submission relating to the National Grid [and presumably the Gas Transmission Pipeline] is dealt with in the S42A report for Infrastructure.	Agree
FS63.32 (S82.164)	EW-01	<p>Firstgas supports this submission in part which seeks the following amendment to Objective EW-01:</p> <p>Earthworks are undertaken in a manner that: 4. Protects the safety of people, property and infrastructure; and 5. Mitigates adverse effects on infrastructure.</p> <p>Firstgas supports the proposed amendment to include the term 'mitigate' however, is not supportive of the proposed amendment to refer to all infrastructure only. Firstgas seek this is amended to the following:</p> <p>Mitigates adverse effects on all infrastructure and in particular the Gas Transmission Pipeline infrastructure.</p>	<p>Reject the submission insofar as it relates to the replacement of the word minimise with mitigate.</p> <p>The report states the part of this submission relating to the National Grid [and presumably the Gas Transmission Pipeline] is dealt with in the S42A report for Infrastructure.</p>	Agree, generally for the reasons outlined in the S42A officer report.
Part B: Definitions and Nesting Tables				
S84.2	Gas Transmission Network	Firstgas supports the inclusion of the definition of 'Gas transmission Network'	Accept.	Agree.
S84.3	Gas Transmission Pipeline	Firstgas supports the inclusion of the definition of 'Gas transmission Pipeline'	Accept.	Agree.

A handwritten signature in black ink, appearing to read 'MEBarrett', written in a cursive style.

Meghan Elizabeth Barrett

8 September 2021