

Independent Hearings Panel
Porirua City Council
16 Cobham Court, Porirua City Centre
Porirua
5022

15 February 2022

Via email: Ash.Morton-Adair@porirua.govt.nz

Dear Commissioners,

Hearing Stream 4 – Additional Information – Hazardous Substances Rule (S84.38 and S84.6)

During the hearing it was requested by the Panel that I report back directing you to the rules in the existing legislation which relate to the use of explosives.

To address the request of the Panel, I can confirm that the Hazardous Substances and New Organisms Act 1996 does not have any controls or rules around the use of explosives. The relevant regulations are within the Health and Safety at Work (Hazardous Substances) Regulations 2017, Part 9. Please refer to the following link:

<https://www.legislation.govt.nz/regulation/public/2017/0131/latest/whole.html#DLM7309871>

My understanding is that there are no controls around the use of explosives within proximity to gas pipelines.

It was also questioned which policy within the hazardous substances section of the PDP would relate to the rule sought. I can confirm that the below policy provides direction that the use of a rule would be appropriate in this circumstance:

HAZ P2 – Residual risk to people and communities

Avoid use and development which uses, stores or disposes of hazardous substances from locating in areas where they may adversely affect the health and wellbeing of people and communities, unless they can demonstrate that the residual risk to people and communities will be avoided, remedied or mitigated to an acceptable level.

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. Potential degradation to the gas network, resulting from explosive activities, has the potential to result in risk to people and communities. Therefore in my opinion, explosive activities which may result in potentially adverse effects on the integrity of the network, and consequently the health and wellbeing of people and communities, shall be required to demonstrate the residual risk can be avoided, remedied or mitigated to an acceptable level.

Please let me know if you require any further clarification.

**make
everyday
better.**

Yours sincerely

A handwritten signature in black ink that reads "M Barrett". The signature is written in a cursive style with a large initial 'M'.

Meghan Barrett

Senior Planner

on behalf of

Firstgas Limited

Email: Meghan.Barrett@beca.com