

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 4:

Strategic directions in relation to Functioning City Energy

Infrastructure and Transport: Infrastructure, Renewable Energy Generation, Three Waters, Transport

General District-Wide Matters: Amateur Radio, Earthworks, Light, Noise, Signs, Temporary Activities

Evidence date: 28 January 2022

Hearing Commencement date: 8 February – 15 February 2022

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 Infrastructure and Earthworks, responding to the following Section 42A reports, where necessary to do so:
 - Proposed Porirua District Plan: Part B – Earthworks – Mr Rory Smeaton, dated 3 December 2021; and
 - Proposed Porirua District Plan: Part B – Infrastructure – Mr Rory Smeaton, dated 3 December 2021.

9. My written evidence is structured as follows:
 - 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 Earthworks and Infrastructure reports on FGL’s submissions.
 - c) Evaluation of Section 32AA matters.

Planning Background and Higher Order Planning Documents

10. 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.

11. 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.

12. The RMA recognises the importance of infrastructure pipelines that distribute or transmit natural or manufactured gas and regulates the provision of infrastructure. In part, this is demonstrated through recognising FGL, the network utility operator, as a Requiring Authority under Section 167 of the RMA.

13. The Greater Wellington Regional Policy Statement 2013 (GWRPS) recognises the regional 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.
14. The status afforded to the gas network as Regionally Significant Infrastructure is given substance and statutory weight through 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 this higher order planning document 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 7 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 aligns with FGL’s network operations insofar that the gas transmission network must be allowed to efficiently and effectively operate, be maintained and upgraded (inclusive of access).

18. FGL is also appropriately recognised in the Strategic Directions of the Proposed District Plan, thereby acknowledging its strategic importance to the District in terms of its economic and social well-being. The following Strategic Objectives provide recognition and protection of infrastructure providing for the effective, efficient, safe and resilient functioning of the city.

FC-O1 Infrastructure
<p>Effective, efficient, resilient and safe infrastructure throughout the City that:</p> <ol style="list-style-type: none"> 1. Provides essential, reliable and secure services, including in emergencies; 2. Facilitates local, regional and national connectivity; 3. Contributes to the economy and supports a high standard of living; 4. Has sufficient capacity to accommodate existing and planned growth; 5. Integrates with development; and 6. Enables people and communities to provide for their health and wellbeing.

Section 42A Report Recommendations – Earthworks Report

19. 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 Section 42A Earthworks Report.

Earthworks Definition

20. Following a review of the Section 42A report, I concur with the recommendations made in relation to the definition of Earthworks. In particular, that the earthworks definition sought within the Firstgas original submission would contradict that of the National Planning Standards. Further, I concur that the outcome to exclude earthworks from the construction, repair, upgrade or maintenance of pipelines is achieved through the Infrastructure Chapter whereby the trenching for the construction, operation, maintenance and repair, removal or upgrade of underground infrastructure are excluded from provisions of earthwork standards (INF-R25). I consider that this appropriately enables this regionally significant infrastructure, and gives effect to the GWRPS.

21. Following a review of the Section 42A report, I concur with the recommendations made in relation to EW-01. The recommendation deviates to the wording I previously supported in my Hearing Stream 1 evidence¹, but ultimately, I consider the recommended wording achieves the same outcome; that is the gas transmission network is not compromised and is able to operate efficiently and effectively. I agree with the s42A author that the term “does not compromise” seeks to protect the pipeline infrastructure and is more directive than “mitigate” or “minimise” in relation to the gas transmission network.

22. The main reason for this is that “minimise” implies that earthworks may occur where the effects are reduced as far as possible, regardless of whether those effects are acceptable on the safe, efficient and effective operation (including access) of the gas transmission network. Appropriately, the term “does not compromise” focuses on earthworks not compromising or undermining the safe and efficient functioning, operation, maintenance and repair, upgrading and development ability of the specified infrastructure.

23. The purpose of the objective is to protect the gas transmission network from earthwork activities. I am of the opinion that this is a suitable objective for protecting this regionally significant infrastructure.

¹ Refer Hearing Stream 1 evidence, paragraph 20 where I supported the use of the term “minimise” over “mitigate”

Section 42A Report Recommendations – Infrastructure Report

24. 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 Infrastructure Report.

Ecosystems and Indigenous Biodiversity

25. Following a review of the Section 42A report, I concur with the recommendations made in relation to INF-S18 (S84.39) insofar that the gas transmission network within Porirua (Firstgas Designation FGL-01) is revisited at Hearing Stream 6 to ensure that six metres either side of the pipelines is protected to align with existing easements. As per Mr Smeaton's comments, should the Designation be confirmed, this rule would not apply to works for the operation and maintenance of the Gas Transmission Network. If the designation is not included, further analysis would be required to ensure that safety and access to the pipeline is provided for.

26. Similarly, in relation to INF-S18 (S84.18), I concur that the standard should not need to be amended to allow for removal of vegetation within six meters from the centreline of the Gas Transmission Pipeline, with any areas replanted in indigenous vegetation where not required for safety reasons, as this would be revisited at Hearing 6 to ensure the safety and access to the pipeline for maintenance and operation purposes.

Gas Transmission Pipeline

27. Following a review of the Section 42A report, I concur with the recommendations made in relation to INF-P25 (S63.23) that the definition of 'Gas Transmission Pipeline Corridor' is retained. The additional 4m buffer over and above 6m sought in its Notice of Requirement is required to ensure that reverse sensitivity effects (other than setbacks required for the use of explosives addressed by paragraph 29 below) can be effectively and efficiently be managed, inclusive of access to the network. This is particularly relevant for assessing the appropriateness of reverse sensitive activities within proximity of the pipeline; and the ability to manage sensitivity effects inclusive of access to the network.

28. Following a review of the Section 42A report, I concur with the recommendations made in relation to INF-P25 (S63.23) that the wording of Policy INF-P25 should be amended to include habitable buildings as a matter when assessing any buildings, structures and activities proposed near the Gas Transmission Pipeline Corridor. I agree with Mr Smeaton in that the amendment will clarify the applicability of the policy to sensitive activities within proximity of the pipeline. This is consistent with the zone rules relating to sensitive activities within 10 metres of the Corridor refer to INF-P25 for the matters of discretion. The inclusion of habitable buildings is included within the definition of sensitive activities. The recommendation will achieve consistency with the broader Plan, and ultimately maintaining a level of protection for the regionally significant infrastructure.

Hazardous Substances Rules

29. Following a review of the Section 42A report, I do not agree with the recommendations made in relation to Firstgas' submission for a new restricted discretionary activity rule for the use of explosives within 100 metres of the Gas Transmission Network – Hazardous Substances Rules (S84.38 and 84.6). As outlined in the evidence of Ms Hine, the use of explosives near to a pipeline may have a detrimental effect on the safety of the pipeline. The framework provided by the HSNO Act and WorkSafe Act and the Proposed Natural Resources Plan does not provide for the management of all effects associated with the use of explosives near the Gas Transmission Network. FGL require the ability to be notified about such activities so that they can assess each activity on its merits. This is not provided for under any other regulation. Mr Smeaton refers to Section 32 Evaluation Report which concludes that the HSNO Act, the WorkSafe Act, and the Proposed Natural Resources Plan provide a comprehensive regulatory framework for the use, storage and disposal of hazardous substances. Under the existing regulations, there are no particular rules to manage the potential for explosives occurring within the transmission network. The rule framework would allow for risk of hazardous facilities within close proximity to the Gas Transmission Network to be suitably managed.

Relief Sought

30. To give effect to Objective 10 of the GWRPS and also Strategic Objectives FC-01, I consider the following amendments are necessary in order to protect and provide for FGL.

Addition of a new rule to the Hazardous Substances section, which reads as follows:

Restricted Discretionary Activities

The use of explosives within 100 metres of the Gas Transmission Network

Matters of discretion are restricted to:

- i) The risk of hazards affecting public or individual safety, and the risk of property damage;
- ii) Measures proposed to avoid or mitigate potential adverse effects on the Gas Transmission Network;
- iii) Technical advice from the owner and operator of the Gas Transmission Network, including an assessment of the level of risk;
- iv) The outcome of any consultation with the owner and operator of the Gas Transmission Network; and
- v) Whether the use of explosives could be located a greater distance from the Gas Transmission Network.

31. This amended relief will minimise the potential risk on the existing infrastructure.

Gas Transmission Sensitive Activity

32. Following a review of the Section 42A report, I agree in part with the recommendations made in relation to Definitions (S84.4 and 84.36) insofar that the designation and pipeline corridor would provide sufficient protection for any activity (other than setbacks required for the use of explosives addressed by paragraph 29 above) within the network.

Infrastructure Chapter Rules

33. Following a review of the Section 42A report, I agree with the recommendations made in relation to INF-R15 (S84.19) that the rule heading is not required to include gas transmission pipelines, as the operation, maintenance and repair, upgrading and

removal of existing infrastructure and associated earthworks within the gas transmission pipeline corridor is provided for within INF-R25. I agree with Mr Smeaton's comments regarding any new pipelines being subject to S181 of the RMA should the proposed Firstgas Designation FGL-01 be confirmed. I do note however that if the designation is not included, further analysis would be required.

- 34. Following a review of the Section 42A report, I agree with S42A report recommendations, particularly that INF-R25 addresses the operation, maintenance, repair, upgrading and removal works within the gas transmission corridor (as per my comments in paragraph 33 above) and allows for a permitted activity where the earthworks do not exceed 400mm in depth.

- 35. Following a review of the Section 42A report, I agree in part with the recommendations made in relation to INF-R25 (S84.20) to provide more clarity to owners and occupiers of the National Grid Yard and Gas Transmission Pipeline Corridor. Clarification that the infrastructure providers will not have to seek resource consents to undertake works within the relevant overlays will provide for maintained protection of the infrastructure (noting that the requirements of all other overlays will still apply). It is further agreed that the note should be clarified further, to relate specifically to the infrastructure providers and their relevant infrastructure. This clarification will provide more transparency and understanding to those plan users who are likely to be most affected by such provisions.

Infrastructure Standards

- 36. Following a review of the Section 42A report, I disagree with the recommendations made in relation to INF-S13 (S84.33 and 84.40) to not include setback requirements in relation to the proximity of cabinets. As outlined in the evidence of Ms Hine, these cabinets are a vital component of the gas transmission network. The structures are small in size and scale and are restricted by operational constraints, as has been outlined in the evidence of Ms Hine. These operational constraints relate to the need, for safety reasons, to position cabinets away from the gas transmission pipeline. This in turn severely limits the available locations in which these pieces of infrastructure can be located. I understand the point made by the reporting officer in terms of the standard ensuring that potential adverse amenity effects are avoided, however, given the small scale of these structures,

I am of the opinion that they will have negligible effect on amenity. As an alternative, I consider it would be appropriate to exclude cabinet structures of a small scale (i.e. less than 2m in height and no more than 5m² in area) from requiring setbacks.

Relief Sought

37. To give effect to Objective 10 of the GWRPS and also Strategic Objective FC-01, I consider the following amendments are necessary in order to protect and provide for FGL.

INF-S13

Setbacks – Cabinets (excluding those associated with the Gas Transmission Network), electric vehicle charging stations and temporary infrastructure and temporary electricity generators and self-contained power units to supply existing infrastructure, meteorological enclosures and buildings and any other infrastructure structure or building not otherwise listed, which is not located within the road reserve or rail corridor

OR: Alternative relief:

INF-S13

Setbacks – Cabinets (excluding those less than 2m in height and no more than 5m² in area), electric vehicle charging stations and temporary infrastructure and temporary electricity generators and self-contained power units to supply existing infrastructure, meteorological enclosures and buildings and any other infrastructure structure or building not otherwise listed, which is not located within the road reserve or rail corridor

CONCLUSION

38. 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.

39. I consider the changes I am seeking alongside 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 Earthworks Report and Infrastructure Report Recommendations – FGL Submissions

Submission reference	Provision	Submission intent	Section 42A report recommendation	My opinion on the section 42A recommendation
Part B: Earthworks Report				
S84.34	Definitions - Earthworks	Seek the definition to exclude the construction, repair, upgrade or maintenance of pipelines.	Reject, insofar as the definition would contradict that of the National Planning Standards and the outcome sought is appropriately addressed by existing provisions in the Infrastructure Chapter (including exclusions from provision of certain standards for earthworks for trenching for the construction, operation, maintenance and repair, removal or upgrade of underground infrastructure).	Agree, generally for the reasons outlined in the S42A officer report.
FS63.32 (S82.164)	EW-O1	Firstgas supports this submission in part which seeks the following amendment to Objective EW-01. Earthworks are undertaken in a manner that:	Accept the submission in part insofar as it seeks the following amendment: 4. Protects the safety of people, property and infrastructure; and 5. Does not compromise the National Grid or the Gas Transmission Pipeline.	Agree, generally for the reasons outlined in the S42A officer report.

		<p>4. Protects the safety of people, and property; <u>and infrastructure: and</u></p> <p>5. Minimises <u>Mitigates</u> adverse effects on the National Grid and the Gas Transmission Pipeline 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>5. Minimises <u>Mitigates</u> adverse effects on all infrastructure and in particular the Gas Transmission Pipeline <u>Infrastructure.</u></p>		
Part B: Infrastructure Report				
S84.39	INF-S18	Firstgas support that provision is made for trimming, pruning, or removal of indigenous vegetation to within six metres of a Gas Transmission pipeline, to ensure the safety and access to the pipeline.	Reject, insofar that the proposed designation would cover this.	Agree, insofar that this recommendation is made on the basis that the designation proposed by Firstgas is included. If the designation is not included, further analysis would be required.
S84.18	INF-S18	Firstgas support that the standard be amended to allow for removal of vegetation within six metres from the centreline of the Gas Transmission Pipeline, with any areas replanted in indigenous vegetation where not required for safety reasons, to align with the submitter's easement to ensure the safety and access to the pipeline.	Reject, insofar that the proposed designation would cover this.	Agree, insofar that this recommendation is made on the basis that the designation proposed by Firstgas is included. If the designation is not included, further analysis would be required.
FS63.23	INF-P25	Firstgas support this submission to retain the definition of 'Gas Transmission Pipeline Corridor' which means	Accept	Agree, generally for the reasons outlined in the S42A officer report.

		the area of land within 10m from the centreline of the gas transmission pipeline. The additional 4m buffer over and above 6m sought in its Notice of Requirement is required to ensure that reverse sensitivity effects can be effectively and efficiently be managed, inclusive of access to the network.		
FS63.23	INF-P25	Firstgas support this submission to amend Policy INF-P25 as follows: Consider the following matters when assessing any buildings, structures and activities proposed within, and <u>habitable buildings near</u> , the Gas Transmission Pipeline Corridor.	Accept	Agree, generally for the reasons outlined in the S42A officer report.
S84.38 and 84.6	Hazardous Substances Rules	Firstgas supports this submission to provide a new restricted discretionary activity rule is included for the use of explosives within 100 metres of the Gas Transmission Network, as the reverse sensitivity effects from such activities are not specifically addressed under the HSNO Act or HSW Act as these Acts do not provide regulatory powers or controls in relation to land use planning, and the use of explosives near the Gas Transmission Network poses a health and safety and environmental risk should the activity not be properly managed.	Reject, insofar that the HSNO Act and WorkSafe Act together with the proposed Natural Resources Plan, provide a comprehensive regulatory framework for the use, storage and disposal of hazardous substances. Further, land use provisions would not necessarily be effective at managing such effects and Council may lack knowledge or administrative capacity to ensure provisions were complied with.	Disagree, insofar that FGL require notification of the use of explosives within 100m of the Gas Transmission Network to ensure that the integrity of the network is protected, which is not dealt with under other legislation. FGL require the ability to assess the risk factors of each activity on their own infrastructure.
S84.4 and 84.36	Definitions	Firstgas supports this submission to include the term 'Gas Transmission Sensitive Activity' which is required to implement rules sought in the Plan related to the Gas Transmission Network. The definition will provide clarity and how this term relates to outcomes sought.	Reject insofar it is not clear where or how the term is to be used in the plan.	Accept insofar that the designation and pipeline corridor would provide sufficient protection for any activity within the network, whether sensitive or not.

S84.19	INF-R15	Firstgas supports this submission to amend this rule to not exclude gas transmission pipelines to enable pipelines in excess of 2,000kpa to allow for a permitted activity subject to meeting standards.	Reject, insofar that a restricted discretionary status is appropriate to assess operational or safety effects of a higher-pressure transmission pipeline (in addition to construction effects). Further, any new pipelines would also be designated through an alteration to that designation under section 181 of the RMA.	Agree generally for the reasons outlined in the S42A officer report.
S84.20	INF-R25	Firstgas supports that a note should apply to the owners and occupiers of the National Grid Yard and Gas Transmission Pipeline Corridor.	Agree in part, as this provides clarification that the infrastructure providers will not have to seek resource consents to undertake works within the relevant overlays protecting their infrastructure (noting that the requirements of all other overlays will still apply). It is recommended that the note can be clarified further, to relate specifically to the infrastructure providers and their relevant infrastructure.	Agree generally for the reasons outlined in the S42A officer report.
S84.33 and 84.40	INF-S13	Firstgas support that the setbacks for cabinets be removed.	Reject, insofar that no explanation was provided.	Disagree, insofar that FGL have operational requirements which limit where the cabinets can be placed.

Meghan Elizabeth Barrett

28 January 2022

Appendix A: Section 32AA Evaluation of Amendments Sought

<p>Addition to Hazardous Substances Rules</p>	<p>Other reasonably practicable options 1. No change to the rule framework as recommended in the s42A report. 2. Recognise and provide a rule framework for FGL in relation to its operations and integrity of the pipeline network.</p> <p>Costs and benefits The benefits of the changes are that they will allow for the efficient establishment, operation and maintenance of regionally significant infrastructure. This in turn has a direct benefit of providing for peoples social and economic wellbeing. The changes will avoid potential costs of having to upgrade network infrastructure that may become damaged by an explosive activity.</p> <p>Effectiveness and efficiency The amendments will be efficient in that they will not unnecessarily restrict components of the gas transmission network. In a broader sense, the amendments will also be effective at achieving Strategic Objective FC-01: Effective, efficient, resilient and safe infrastructure throughout the City...</p> <p>Risk of acting or not acting The risk of not acting is that the safe and efficient operation of the gas transmission network may be compromised. There is sufficient information to act on these suggested changes and as such there is little risk in doing so.</p> <p>Decision about most appropriate option Having considered the costs and benefits, the benefits outweigh the costs and the amendment will be effective in achieving the relevant objectives of the Plan.</p>
<p>Amendment to Infrastructure Standard INF-S13</p>	<p>Other reasonably practicable options 1. No change to the rule framework as recommended in the s42A report. 2. Recognise and provide a rule framework for FGL in relation to its operations.</p> <p>Costs and benefits The benefits of the changes are that they will allow for the efficient establishment, operation and maintenance of regionally significant infrastructure. This in turn has a direct benefit of providing for peoples social and economic wellbeing. The changes will remove undue costs associated with consenting.</p>

	<p>Effectiveness and efficiency The amendments will be efficient in that they will not unnecessarily restrict components of the gas transmission network. In a broader sense, the amendments will also be effective at achieving Strategic Objective FC-01: Effective, efficient, resilient and safe infrastructure throughout the City...</p> <p>Risk of acting or not acting The risk of not acting is that the safe and efficient operation of the gas transmission network may be compromised. There is sufficient information to act on these suggested changes and as such there is little risk in doing so.</p> <p>Decision about most appropriate option Having considered the costs and benefits, the benefits outweigh the costs and the amendment will be effective in achieving the relevant objectives of the Plan.</p>
--	---