



Submission by Firstgas Ltd

Proposed Porirua District Plan

20 November 2020

Submitter Details

Organisation: N/A

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.....
(Signature of person authorised to sign on behalf of Firstgas Ltd)

20/11/20

.....
Date

Title and address for service of person making comment:

Firstgas Ltd

c/o Wood Beca Ltd

Attention: Natalie Webb

Address: c/- Wood Beca Ltd
P.O Box 264
Taranaki Mail Centre 4340
New Plymouth

1 Introduction to Firstgas Ltd

First Gas Limited ('Firstgas') purchased the gas transmission network from Vector Gas Ltd on 20 April 2016. Firstgas now owns and operates approximately 2500km of high-pressure natural gas transmission pipelines throughout the North Island, and is also a Requiring Authority under the Resource Management Act 1991 ('RMA'). Firstgas' ownership also includes the ancillary above and below ground infrastructure required to operate the gas network. Collectively this system is known as the Gas Transmission Network.

In addition to the Gas Transmission Network, Firstgas operates more than 4,800kms of gas distribution networks across the North Island, although none of its distribution network is located within the Porirua District.

In an RMA context Firstgas' assets and operations deliver significant benefits to the wider North Island. The transmission (and distribution) of natural gas provides for economic growth, enables communities, business and industry to function and provides for people and communities' social well-being and their health and safety. The Gas Transmission Network is both regionally and nationally significant.

Within the Porirua District, Firstgas owns and operates the following components of the Gas Transmission Network:

- The underground Gas Transmission Pipeline
- Above ground Gas Stations, known as 'Delivery Points'
 - Pauatahanui Delivery Point
 - Pauatahanui Delivery Point No2
 - Waitangirua Delivery Point

Delivery Points are above-ground compounds where high-pressure gas in the gas transmission network is converted to low-pressure for distribution. Delivery Point stations often emit gas (venting or flaring of gas) to regulate the pressure.

Firstgas' assets within the district are illustrated in **Figure 1-1** below.

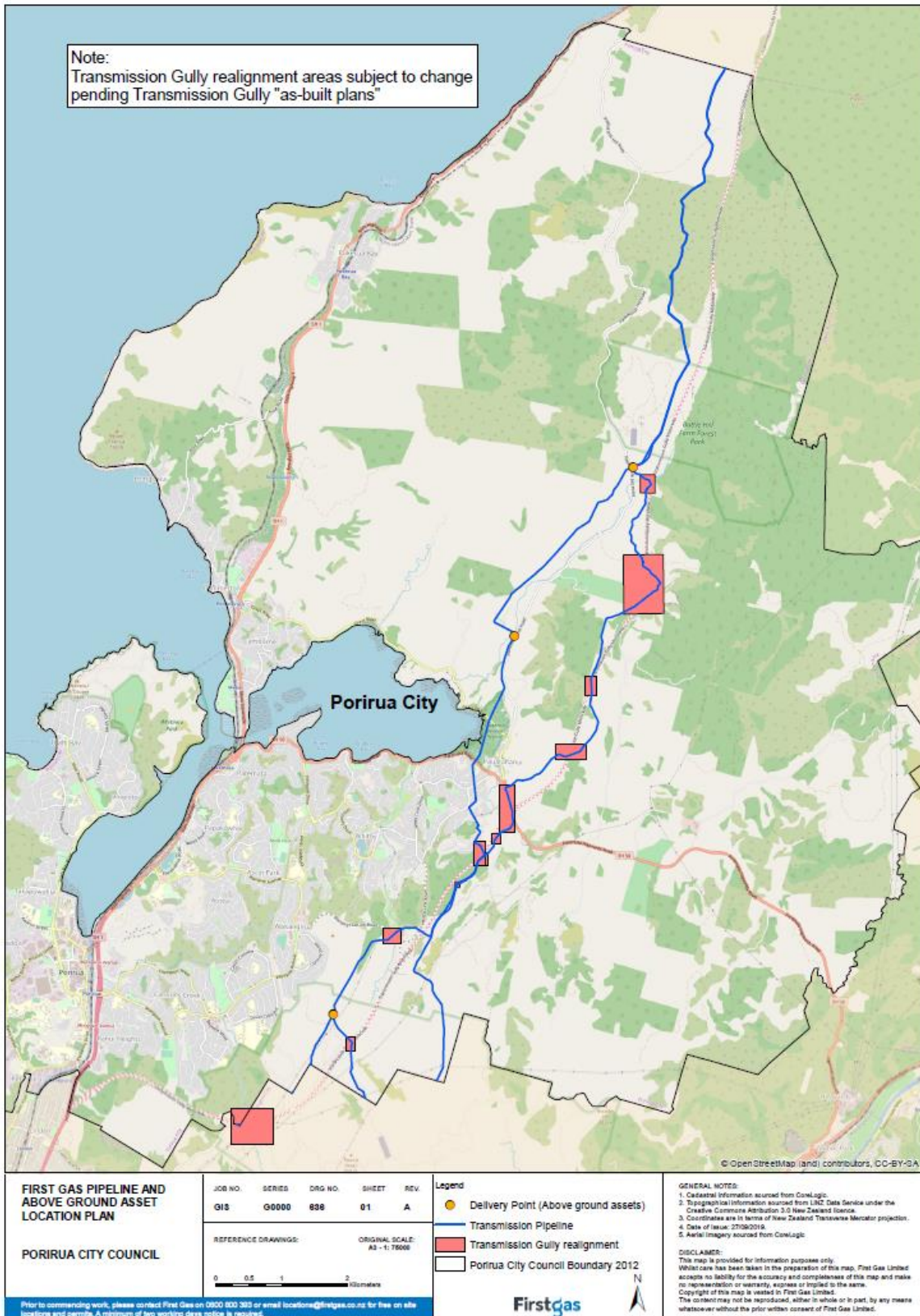


Figure 1-1: Firstgas Ltd pipelines and above-ground assets in the Porirua District

2 Firstgas Interests in the Proposed Porirua District Plan

2.1 Background

Prior to purchasing the Gas Transmission Network in 2016, former owners and operators relied on the legal gas easement to both enable the operation, maintenance and upgrade of the network and also protect the asset from others' activities. Reliance on this land instrument, as opposed to planning instruments, has not always secured good outcomes for Firstgas. For example, there have been many recent instances where:

- Legal and / or physical vehicular access has been compromised through subdivision and land use development.
- Activities that are sensitive to the Gas Transmission Network have been authorised to establish and operate in too close a proximity to the network, thereby creating reverse sensitivity effects which have compromised the effective and efficient operation of the network.

2.2 General Approach to RMA Processes

Consequently, since purchasing the Gas Transmission Network, Firstgas has become more active in RMA processes through submissions. The outcomes sought have generally been to:

- enable the operation, maintenance, upgrade development and/ or removal of its assets and operations, including vehicular access; and
- protect its assets and operations from others' land-use and subdivision activities (including through legal and physical vehicular access).

To assist this, Firstgas has worked on a suite of 'model provisions' specific to the Gas Transmission Network which are sought for inclusion within district plans, the objective being to achieve North Island wide consistency and fulfill its own operating obligations under AS2885 (refer below).

2.2.1 Operation, maintenance, replacement, upgrade, removal and development

Firstgas' gas network is regionally and nationally significant infrastructure in that it delivers significant benefits to people and communities social and economic well-being, as well as provide for their health and safety. In light of the benefits provided by the network, the safe, efficient and effective operation, maintenance, replacement, upgrade, removal and/ or development of the network needs to be provided for in land use planning frameworks, while ensuring adverse effects generated by those activities and operations are appropriately managed. This is sought to be delivered through enabling objective and policy frameworks and enabling rules and activity statuses.

2.2.2 Protection from third party works

Firstgas is required to ensure the protection and integrity of the pipeline is maintained for the safety of the public, property and the environment. Pipelines are required to meet the safety and operational requirements of the Health and Safety in Employment (Pipelines) Regulations 1999 and the operating code Standard AS2885 Pipelines – Gas and Liquid Petroleum (AS2885).

Third party interference is one of the main risks to the safety and integrity of the underground pipelines. Activities which may affect the Gas Transmission Network need to take into account the location and protection requirements of the pipelines and other infrastructure. Activities in the vicinity of the Gas Transmission Network need to be carried out in a way which does not

compromise the safe and efficient operation of the network, including the ability to legally and physically access the network with the necessary machinery to undertake works.

Firstgas is seeking to manage third party interference through the requirement of a resource consent for a range of activities including the subdivision of land containing, or in close proximity to, the Gas Transmission Network, and land use related setbacks for certain activities.

2.2.3 Consistent outcomes sought in District Plan reviews

Specific and consistent outcomes sought across the North Island are:

- Mapping of the Gas Transmission Network, inclusive of Delivery Points on planning maps.
- An enabling objective, policy and rule framework for operating, maintaining, upgrading the Gas Transmission Network.
- A restricted discretionary activity for the subdivision of land containing the Gas Transmission Pipeline, with the matters of discretion including any technical advice from Firstgas.
- Permitted activity land use development and activity set back standards from the Gas Transmission Network, inclusive of above ground gas stations.
- Reverse sensitivity policy provisions related to the Gas Transmission Network.

2.3 Porirua Proposed Plan

The Gas Transmission Network traverses the General Residential Zone, General Rural Zone, Rural Lifestyle Zone, Settlement Zone, Open Space Zone and the Special Purpose – Future Urban Zone within the Porirua Proposed District Plan.

In addition, the pipelines traverse the following overlays as identified within the Proposed Porirua District Plan:

- Fault Rupture Zone
- Flood Hazard – Not recently modelled
- Flood Hazard – Stream Corridor
- Flood Hazard – Inundation
- Future Coastal Inundation Hazard (1m SLR)
- Special Amenity Landscapes – Belmont Hill, Cannons Creek Ridge, Kakaho and Pauatahanui
- Significant Natural Areas

2.3.1 Designated Assets

Firstgas is a Requiring Authority under Section 167 of the Resource Management Act. Firstgas' assets are to be designated in the Porirua District Plan as part of the District Plan Review. Should the designation not be confirmed for whatever reason, Firstgas notes the broad scope of this submission in respect of outcomes sought to both enable and protect the gas transmission network via District Plan provisions.

It is important to note that even with a designation in place, Firstgas is seeking many of the outcomes specified in this submission as the designation itself would not provide for all of the outcomes sought by Firstgas, in particular in relation to reverse sensitivity effects beyond the extent of any designation boundary.

3 Regional Policy Statement – Wellington Region

The District Plan must 'give effect' to a Regional Policy Statement (RPS). The operative RPS for the Wellington Region defines Regionally Significant Infrastructure as including:

- *Pipelines for the distribution or transmission of natural or manufactured gas or petroleum*

The RPS for the Wellington Region includes the following key objectives which have a direct influence on District Plan content as it relates to Firstgas' assets and activities within the district:

Provision	Wording
Objective 10	<i>The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected</i>
Policy 7	<i>Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans.</i>
Policy 8	<i>Protecting regionally significant infrastructure – regional and district plans</i>
Policy 39	<i>Recognising the benefits from renewable energy and regionally significant infrastructure - consideration</i>

'Giving effect' to the RPS essentially means that the District Plan must implement the RPS through its provisions, and ultimately will ensure that:

- Firstgas' regionally (and nationally) significant assets are able to be safely, effectively and efficiently operated, maintained, upgraded, replaced, removed and / or developed while appropriately managing adverse effects, including reverse sensitivity; and,
- the adverse effects of development in proximity to Firstgas' regionally (and nationally) significant assets are avoided or mitigated depending upon the context in which the development occurs.

4 Submission on the Draft Porirua District Plan

Firstgas provided comments on the draft Porirua District Plan, and takes this opportunity to thank Council for the early engagement that occurred through that process.

This early engagement has allowed Firstgas to explain in some detail the rationale for the outcomes being sought, ultimately to both enable and protect the Gas Transmission Network. Many of the outcomes sought by Firstgas in its draft submission have been included as part of the Proposed District Plan.

5 General Submission

Attachment 1 details the outcomes being sought by Firstgas. In summary, Firstgas seeks that:

- The 'Earthworks' definition excludes the construction, repair, upgrade or maintenance of pipelines and a geotechnical bore definition as this is the most efficient and effective method of enabling temporary earthwork related activities;

- A new definition of a 'Gas Transmission Sensitive Activity' is provided 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;
- Gas Transmission Network is enabled to be safely, effectively and efficiently operated, maintained, replaced, upgraded, removed and developed (i.e. recognised and provided for) through an enabling activity status. A new Restricted Discretionary Activity is included for the use of explosives within 100 metres of the Gas Transmission Network;
- Trimming, pruning or removal of indigenous vegetation to within 6m of Gas Transmission pipeline is provided for to ensure the safety and access to the pipeline;
- Remove setback requirements for cabinets,
- Enable new underground pipelines in excess of 2,000kpa are also enabled as a permitted activity subject to meeting standards.

Attachment 1: Detailed Submission by Firstgas Ltd

The following table sets out the decisions sought by Firstgas Ltd (Firstgas), including specific amendments to provisions of the Proposed Porirua District Plan (the Plan). These amendments are shown as underline (for new text sought) and ~~strike through~~ (for deletion).

Proposed Plan Provision	Support/Oppose/Amend/Add	Reasons	Relief Sought
Part 1 – Introduction and General Provisions			
Definitions			
“Gas Transmission Pipeline Corridor”	Support	Firstgas supports the inclusion of the definition of ‘Gas transmission Pipeline Corridor.’	Retain as proposed
“Gas Transmission Network”	Support	Firstgas supports the inclusion of the definition of ‘Gas transmission Network’	Retain as proposed
“Gas Transmission Pipeline”	Support	Firstgas supports the inclusion of the below definition of “Gas Transmission Pipeline”	Retain as proposed
Gas Transmission Sensitive Activity	Add	Firstgas seeks the inclusion of 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.	<p>Add a new definition under the Definitions chapter, which reads:</p> <p><u>Means those activities that are particularly sensitive to the Gas Transmission Network, including but not limited to:</u></p> <ul style="list-style-type: none"> • <u>medium and high-density residential activities;</u> • <u>retirement villages;</u> • <u>hospitals and healthcare facilities;</u> • <u>educational facilities;</u> • <u>community facilities, including museums, stadiums and halls;</u> • <u>leisure and entertainment facilities, including shopping malls and movie theatres;</u> • <u>marae;</u> • <u>custodial corrections activities;</u> • <u>entertainment facilities;</u> • <u>visitor accommodation; and</u> • <u>hazardous facilities and infrastructure (excluding those that are ancillary to gas transmission); and</u>

Proposed Plan Provision	Support/Oppose/Amend/Add	Reasons	Relief Sought
Regionally Significant Infrastructure	Support	Firstgas supports the definition of 'Regionally Significant Infrastructure' which specifically incorporates the wider gas transmission network rather than the pipelines only.	Retain as proposed
Upgrading	Amend	Firstgas is generally supportive of the proposed definition of Upgrading	Retain as proposed
Part 2 – District Wide Matters			
Hazards and Risks - Hazardous Substances			
New Restricted Discretionary activity	Add	<p>Firstgas' understanding is that explosives are hazardous substances. In most circumstances, the HSNO Act and HSW Act provide an appropriate level of management of hazardous substances, however Firstgas considers there are some situations where RMA controls are justified. Firstgas considers there is a need to place controls in RMA plans to manage the potential effects of hazardous substances where located close to incompatible established activities. The focus of the controls is to ensure the risk of adverse effects is acceptable, rather than on risk avoidance. Risks in relation to the gas transmission pipeline and other assets owned by Firstgas are significant. Firstgas understands that such reverse sensitivity effects 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.</p> <p>Therefore, Firstgas seeks that the Plan adopt a precautionary approach to hazard risk management. The use of explosives near the Gas Transmission Network poses a health and safety, and environmental risk should the activity not be properly managed. It is sought that the Plan apply a new rule, which requires that the use of explosives within 100 metres of the Gas Transmission Network be assessed as a restricted discretionary activity.</p>	<p>Addition of a new rule to the Hazardous Substances section, which reads as follows: <u>Restricted Discretionary Activities</u> <u>The use of explosives within 100 metres of the Gas Transmission Network</u> <u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> i) <u>The risk of hazards affecting public or individual safety, and the risk of property damage;</u> ii) <u>Measures proposed to avoid or mitigate potential adverse effects on the Gas Transmission Network;</u> iii) <u>Technical advice from the owner and operator of the Gas Transmission Network, including an assessment of the level of risk;</u> iv) <u>The outcome of any consultation with the owner and operator of the Gas Transmission Network; and</u> v) <u>Whether the use of explosives could be located a greater distance from the Gas Transmission Network</u>
Energy, Infrastructure, and Transport			
Objectives INF - 01 - 03	Support	The infrastructure objectives are generally supported in terms of the outcomes they seek related to infrastructure.	Retain as proposed
Policies INF – P1, P3, P4, P5, P8, P9, P25	Support with amendment	Firstgas generally supports these policies.	Retain as proposed
INF-R2	Support	Firstgas generally supports the rule.	Retain as proposed

Proposed Plan Provision	Support/Oppose/Amend/Add	Reasons	Relief Sought
INF – R4	Support	Firstgas is generally supportive of these rules which provide for the upgrading of gas transmission pipelines as a permitted activity where standards are met.	Retain as proposed
INF - S18	Support with amendment	S24 limits the trimming, pruning or removal of indigenous vegetation to within 2m of the footprint of the existing infrastructure and either side of an associated access track or fence. To ensure the safety and access to the pipeline, Firstgas seek that this standard aligns with their easement which is 12m wide and provides rights to remove vegetation.	Amend standard as follows: <ol style="list-style-type: none"> 1. <u>Any trimming, pruning or removal of indigenous vegetation must be limited to:</u> <ol style="list-style-type: none"> a. <u>Within 2m of the footprint of the existing infrastructure and either side of an associated access track or fence and.</u> b. <u>must be limited to within 6m from the centreline of the Gas Transmission Pipeline, with any areas replanted in indigenous vegetation where not required for safety reasons.</u>
INF – R15	Support with amendment	Firstgas supports this rule in principle which provides for new underground Infrastructure as a permitted activity. The definition of 'Gas transmission pipeline' means any high-pressure gas pipeline to convey natural gas at a gauge pressure exceeding 2,000 kilopascals. Firstgas seek that the exclusion of a Gas transmission pipeline is removed from this rule seeking that pipelines in excess of 2,000kpa are also enabled as a permitted activity subject to meeting standards. There is minimal difference in the construction of a low or high pressure pipeline.	Amend rule to the following: <p>Underground infrastructure, excluding gas transmission pipelines and transmission lines over 110kV, outside of any overlay.</p>
INF – R25	Support with amendment	Firstgas supports this rule in principle which restricts the extent of earthworks associated with the operation, maintenance and repair, upgrading and removal of existing infrastructure which can be undertaken as a permitted activity within the National Grid Yard and Gas Transmission Pipeline Corridor. Firstgas are seeking an amendment to this rule so that it does not apply to the owners and occupiers of the National Grid Yard and Gas Transmission Pipeline Corridor.	Amend Rule as follows: <p>Infrastructure and the operation, maintenance and repair, upgrading and removal of existing infrastructure and associated earthworks in the National Grid Yard and Gas Transmission Pipeline Corridor</p> <ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <ol style="list-style-type: none"> a. Within the National Grid Yard the infrastructure is not for the reticulation and storage of water for irrigation purposes; and b. Any earthworks within the National Grid Yard do not: <ol style="list-style-type: none"> i. Exceed 300mm in depth within 6m of the outer visible edge of a tower support structure; ii. Exceed 3m in depth between 6m and 12m of the outer visible edge of a tower support structure; and iii. Result in a reduction of the existing conductor clearance distances. c. Any earthworks within the Gas Transmission Pipeline Corridor do not exceed 400mm in depth. <p>Note:</p>

Proposed Plan Provision	Support/Oppose/Amend/Add	Reasons	Relief Sought
			<p>1. To avoid doubt, all other rules in this table also apply to any infrastructure within the National Grid Yard and Gas Transmission Pipeline Corridor.</p> <p>2. This rule does not apply to the owners and occupiers of the National Grid Yard and Gas Transmission Pipeline Corridor.</p>
Part 2 – Subdivision			
Objective SUB-P1	Support	Firstgas is generally supportive of Policy SUB-P1.	Retain as proposed
SUB – R16	Support	Firstgas is generally supportive of proposed Rule SUB-R16.	Retain as proposed.
Part 2 – General District Wide Matters- Earthworks			
EW-R3	Support with amendment	Firstgas are generally supportive of proposed Rule EW-R3.	Retain as proposed.
Part 3 – Area Specific Matters			
GRZ – R15, GRUZ-R14, RLZ-R14, SETZ-R18, OSZ-R12, FUZ-R14	Support	Firstgas is generally supportive of these rules which provide for sensitive activities in all relevant zones within the Gas Transmission Pipeline Corridor as Restricted Discretionary Activity.	Retain as proposed.
Planning Maps			
Retention of Pipeline and above ground stations on planning maps	Support with amendment	Firstgas supports the inclusion of the gas pipeline and above ground stations on the planning maps.	Retain as proposed

**Correspondence between
Council and submitter which
forms part of this submission**

Louise White

From: dpreview
Sent: Friday, 20 November 2020 2:47 PM
To: Natalie Webb; dpreview
Subject: RE: Submission by Firstgas Ltd on the Proposed Porirua District Plan
Attachments: FGL - Submission on Proposed Porirua District Plan.pdf

Categories: No actions required, Submission on PDP

Kia Ora,

Thank you for your submission on the Proposed Porirua District Plan. This is an acknowledgement to let you know we have received your submission and it is **complete for lodgement purposes.**

The submission period is open until 5pm on Friday 20 November 2020. At the close of submissions Council will summarise all of the submissions received. The summary of submissions will be publicly available at all Porirua libraries, at the Council office building and online.

If you require any further information, please feel free to contact any member of the Environment and City Planning team by phoning Council on 04 237 5089 or emailing dpreview@pcc.govt.nz.

Yours sincerely

Environment and City Planning Team

From: Natalie Webb <Natalie.Webb@beca.com>
Sent: Friday, 20 November 2020 2:45 PM
To: dpreview <dpreview@porirua.govt.nz>
Subject: [EXTERNAL] RE: Submission by Firstgas Ltd on the Proposed Porirua District Plan

Hi Louise,

I have highlighted the answers in your email below. Please let me know if there is anything else you require?

Cheers,

Natalie Webb

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Sensitivity: General

From: dpreview <dpreview@porirua.govt.nz>
Sent: Friday, 20 November 2020 2:33 pm
To: Natalie Webb <Natalie.Webb@beca.com>; dpreview <dpreview@porirua.govt.nz>
Subject: RE: Submission by Firstgas Ltd on the Proposed Porirua District Plan

Dear Natalie,

Thank you very much for your email and submission regarding the Proposed Porirua District Plan (PDP).

Under the Resource Management Act we are only allowed to accept a submission on the PDP if it is made using the prescribed submission form (Form 5).

As such, would you please be able to **complete the questions included below via return email thanks.**

Additional matters to address for submission

1. I could **I could not**
 gain an advantage in trade competition through this submission.
(Please tick relevant box)

If **you could** gain an advantage in trade competition through this submission please complete point four below:

2. I am I am not
 directly affected by an effect of the subject matter of the submission that:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.
(Please tick relevant box if applicable)

Note:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

3. **I wish** I do not wish
 To be heard in support of my submission
(Please tick relevant box)

4. **I will** I will not

Consider presenting a joint case with other submitters, who make a similar submission, at a hearing.
(Please tick relevant box)

Ngā mihi,

Louise White

Intermediate Policy Planner
Kaihanga Kaupapahere Māhuri

porirucity

Tel: 04 910 5490
porirucity.govt.nz

From: Natalie Webb <Natalie.Webb@beca.com>
Sent: Friday, 20 November 2020 2:26 PM
To: dpreview <dpreview@porirucity.govt.nz>
Cc: Nicola Hine <Nicola.Hine@firstgas.co.nz>; Hywel Edwards <Hywel.Edwards@beca.com>
Subject: [EXTERNAL] Submission by Firstgas Ltd on the Proposed Porirua District Plan

Good afternoon,

Please see attached a submission on behalf of Firstgas Ltd on the Proposed Porirua District Plan.

Kind regards,

Natalie Webb

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Sensitivity: General

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