

Before the Hearing Commissioners for the Waikato District Council

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*Under*

the Resource Management Act 1991

*In the matter of*

a submission by Firstgas Limited on the Proposed Waikato District Plan (Hearing Number 22, Infrastructure)

*By*

**Firstgas Limited**

*Submitter*

Primary Statement of Evidence (Planning) of Hywel David Edwards on behalf of Firstgas Limited (Submitter 945 // Further Submitter 1211)

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Date: 1 October 2020  
Hearing Appearance Date: 20 October 2020

## STATEMENT OF EVIDENCE OF HYWEL (DAVID) EDWARDS ON BEHALF OF FIRSTGAS LIMITED

### EXECUTIVE SUMMARY

- 1 I set out in my Rural Chapter evidence<sup>1</sup>:
  - 1.1 the fact that pipelines for the distribution or transmission of natural or manufactured gas or petroleum are defined in the Waikato Regional Policy Statement 2016 (Waikato RPS) as being regionally significant infrastructure.
  - 1.2 the proposed Waikato District Plan (Proposed Plan) must 'give effect to' the Waikato RPS, inclusive of seeking that the management of resources provides for the continued operation and development of regionally significant industry (Policy 4.4).
  - 1.3 that I consider the Proposed Plan must provide a firm enabling (and protective) direction for regionally significant infrastructure, within an overall blueprint within which that outcome can be achieved.
- 2 More broadly, I also set out that since purchasing the gas transmission network in 2016, Firstgas has become more active in Resource Management Act 1991 ('RMA') processes across the North Island to ensure it is doing what it reasonably needs to, to efficiently and effectively enable (and protect) the gas transmission network. I also provided some context of the regulatory environment within which Firstgas operates, maintains, upgrades and develops the gas transmission network.
- 3 In respect of enabling infrastructure provisions, in my view the Proposed Plan must provide a clear and directive framework within which to operate, maintain, upgrade and develop the gas transmission network. These provisions are largely embedded in the Infrastructure Chapter of the Proposed Plan.
- 4 I have read and reviewed the explanations and recommendations in the respective s42A Officer Reports pertaining to Firstgas' submissions on the Infrastructure Chapter provisions. I have a large measure of agreement with the recommendations in the s42A Officer Reports, and subject to the amendments sought in my evidence below, consider the provisions will embed a suitable enabling framework within which to operate, maintain, upgrade and develop the gas transmission network.
- 5 My evidence addresses the following issues:
  - 5.1 the need to define the term 'gas transmission network'.
  - 5.2 annotating above-ground gas stations on the planning maps, in addition to the gas transmission pipeline.
  - 5.3 the explicit inclusion of 'access' in the policy framework (Policy 6.1.2).

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<sup>1</sup> Dated 8 September 2020

## **QUALIFICATIONS AND EXPERIENCE**

- 6 My qualifications and experience are set out in my Rural Chapter evidence and I do not repeat these in my Infrastructure evidence.
- 7 I have been engaged by Firstgas to prepare this planning evidence.
- 8 I did not write the Firstgas submissions lodged on the Proposed Plan, but am familiar with the content of its' submissions and outcomes sought.

## **CODE OF CONDUCT**

- 9 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out in my Rural Chapter evidence. I confirm that the issues addressed in my brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **SCOPE OF EVIDENCE**

- 10 My Hearing 22 Infrastructure evidence covers the following issues relevant to Firstgas' regionally (and nationally) significant infrastructure in the Rural Zone:
  - 10.1 The need to define the term 'gas transmission network'.
  - 10.2 annotating above-ground gas stations on the planning maps, in addition to the gas transmission pipeline.
  - 10.3 the explicit inclusion of 'access' in the policy framework.
- 11 I have recommended provisions in the body of my evidence that I consider are appropriate for inclusion in the Proposed Plan, as they relate to enabling Firstgas' gas transmission network as a matter of regional (and national) importance.

## **FIRSTGAS ASSETS IN THE WAIKATO DISTRICT**

- 12 My Rural Chapter evidence provides a summary of Firstgas' assets within the district. Firstgas' gas transmission network traverses the Rural, Country Living, Village, Residential, Industrial, Industrial Heavy, and Te Kowhai Airpark Zones contained in the Proposed Plan.
- 13 In addition, the gas transmission network traverses the following overlays as identified within the Proposed District Plan: Outstanding Natural Features (including the Waikato River), Significant Natural Area (SNA), Aggregate extraction area and Coal mining area.
- 14 As confirmed in my Rural Chapter evidence, the gas transmission network is not designated in its entirety across the Waikato district. Firstgas is the Requiring Authority for an area of land designated within the District as R1 identified as gas transmission pipeline on the

proposed District Plan maps. This designation ranges in width from 6m to 25m and is for the purpose of constructing a new pipeline – the Rotowaro – East Tamaki Pipeline Route.<sup>2</sup>

## KEY SUBMISSION POINTS FROM FIRSTGAS

### **Definitions: Gas Transmission Network**

- 15 Firstgas sought to introduce a definition for the term 'gas transmission network' (submission point 945.44):

*Gas Network: A network for the purpose of conveying high pressure gas and liquid petroleum including pipelines and above ground incidental equipment.*

- 16 The reason provided in the submission was to ensure that the entire gas network, inclusive of the gas transmission pipeline and the above ground incidental equipment are provided for within the District Plan.
- 17 The s42A Officer Report recommendation<sup>3</sup> is to reject the submission on the basis "*there are no such definitions for the telecommunications or electricity distribution networks. The gas network is a network utility operation and infrastructure and is explicitly included in those definitions. Sub-section 14.7 has permitted activities including above and below-ground pipelines, storage facilities and pump stations for liquid fuels and gas. Sub-section 14.3 has a permitted activity P9 Minor Infrastructure Structure, which is defined as: "any above-ground box-like structure or enclosure associated with infrastructure or that receives or transmits to or from any part of an infrastructure network, which includes:... (d) gas infrastructure."*
- 18 I accept the rationale provided in the s42A Officer Report provided in respect of the enabling context and provisions, but consider the definition is necessary in a protective context. The proposed definition essentially distinguishes the below-ground gas transmission pipeline and the wider gas network (inclusive of above ground stations). In my view, this is necessary in order to apportion different land use risk profiles to the different infrastructure in a reverse sensitivity context.
- 19 I explained in my Rural Chapter evidence that the gas transmission network is regionally (and in my view nationally) significant infrastructure. It transmits gas to, through and beyond the district, thereby enabling people to provide for their social and economic well-being. The efficient, effective and safe operation of the asset is of critical importance, which in turn requires the asset to be protected from others' activities. Combining matters, my view is the Proposed Plan requires a specific focus on the gas transmission network (as opposed to the 'many types of infrastructure') in a reverse sensitivity context.
- 20 Noting I do not repeat the rationale provided in this evidence, the rationale for requiring the proposed new definition (i.e. Firstgas' regulatory framework) is set out in my Rural Chapter evidence<sup>4</sup> whereas the amendments sought to Rule 22.1.3<sup>5</sup> in my Rural Chapter evidence

<sup>2</sup> I stated in my Rural Chapter evidence that designation R1 is for the purpose of both protecting the existing 400mm line and also for providing for a potential second line. I have subsequently become aware that the designation only provides for the construction of a second-high pressure pipeline which is yet to be constructed.

<sup>3</sup> Section 42A Report for Infrastructure, DO: para 253

<sup>4</sup> Paragraphs 21 - 26

<sup>5</sup> Paragraphs 53 - 60

sets out the different set-back requirements for the 'gas transmission pipeline' and the 'gas transmission network' more broadly.

21 Clarity is required in respect of these different terms, and how the Proposed Plan manages potential effects on the gas transmission pipeline as well as the broader gas transmission network inclusive of above ground infrastructure and equipment. My view is that a refinement of the terms defining Firstgas' assets are required to effectively and efficiently protect (and thereby enable) the infrastructure.

22 To this end, I recommend the following definition:

*Gas Transmission Network: A network for the purpose of conveying high pressure gas and liquid petroleum including pipelines and above ground incidental equipment.*

### **Above-ground delivery points on the planning maps**

23 Firstgas sought that delivery points be illustrated on the planning maps (submission point 945.52).

24 The s42A Officer Report<sup>6</sup> recommends that the submission point be rejected on the basis that: "The detailed transmission and distribution network maps provided by the submitter First Gas, show that all of the compressor stations and delivery point stations are on the transmission pipeline, either within the line or at the point where it changes to distribution pipeline. For that reason, I do not consider there needs to be separate identification and mapping of delivery point stations on the PWDP Maps".

25 In my view, it is appropriate that the above ground components of the gas transmission network are illustrated on the planning maps. By their very nature, above ground sites are different to the below-ground gas transmission pipeline. They are visible, and also the point at which routine operational and maintenance activities may occur. For example, this may include the release or combustion of natural gas, inclusive of the odorant to be able to detect that gas.

26 From a land use and development perspective, as explained in my Rural Chapter evidence<sup>7</sup>, there is a different risk profile in terms of activities and land use around the gas transmission pipeline and the broader above-ground infrastructure. For these reasons, I consider there is a need to include a range of set-backs from the non-pipeline elements of the gas transmission network (as recommended in my Rural Chapter evidence), and the most effective and efficient method of doing this is to apply a rule framework.

27 In order for this rule framework to be effective, there is a need to illustrate the asset (i.e. the above ground stations) on the planning maps. I consider not only is this good planning practice, but it will also assist Firstgas achieve the outcomes required under the regulations and standards it must operate under.<sup>8</sup>

28 To this end, I recommend that Firstgas' above ground stations be illustrated on the PWDP Maps. I note co-ordinates of these above ground stations can be provided by Firstgas.

<sup>6</sup> Section 42A Report for Infrastructure D7, para 43

<sup>7</sup> E.g. paras 53 - 60

<sup>8</sup> Refer Rural Chapter evidence, paras 21 - 26

**Policy 6.1.2 - Development, operation and maintenance**

- 29 Policy 6.1.2. provides a framework for the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure throughout the district by recognising a number of matters. Firstgas sought to add a new clause/matter (vii) to Policy 6.1.2 regarding the need to access infrastructure.
- 30 The S42 Officer Report<sup>9</sup> acknowledges that access is a key consideration in the development, operation and maintenance of infrastructure, and explicit recognition of access would assist in plan interpretation and application, including for resource consents and infrastructure Notices of Requirement.
- 31 I agree with this rationale and recommendation. I also note that the ability to access the gas transmission network is an issue needing to be addressed in a reverse sensitivity context and therefore the policy (as recommended to be amended) will assist in this context also. I consider this will assist in giving effect to the Waikato RPS and ultimately provide for good planning practice.

**CONCLUSIONS**

- 32 I have a large measure of agreement with the recommendations contained in the s42A Officer Reports pertaining to Firstgas' submissions. My evidence has addressed a number of discrete but important matters which I consider are required to give effect to the Waikato RPS, and ultimately protect (and enable) the operation of the gas transmission network. This network comprises not only the underground gas transmission pipeline, but also the above-ground infrastructure that is part of the broader gas transmission network.
- 33 Subject to the relief set out above in my evidence, my view is that the Proposed Plan Infrastructure Chapter provisions will assist to give effect to the Waikato RPS as it relates to the gas transmission network, and ultimately provide for the sustainable management of resources.

**Hywel David Edwards**

1 October 2020

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<sup>9</sup> Section 42A Report for Infrastructure D13, para 94

## ATTACHMENT 1

Waikato Regional Policy Statement 2016	
<b>Objective 3.2: Resource Use and Development</b>	<p><i>Seeks to recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:</i></p> <ul style="list-style-type: none"> <li><i>a. Access to natural and physical resources to provide for regionally significant industry and primary production activities that support such industry;</i></li> </ul>
<b>Objective 3.12: Built Environment</b>	<p><i>Seeks that development of the built environment (including transport and other infrastructure) and associated and use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</i></p> <ul style="list-style-type: none"> <li><i>e. Recognising and protecting the value and long-term benefits of regionally significant infrastructure;</i></li> </ul>
<b>Policy 4.4: Regionally Significant Industry and Primary Production</b>	<p><i>Seeks that the management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:</i></p> <ul style="list-style-type: none"> <li><i>a. recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;</i></li> <li><i>c. ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;</i> <i>avoiding or minimising the potential for reverse sensitivity;</i></li> </ul>
<b>Policy 6.6: Significant Infrastructure and Energy Resources</b>	<p><i>Seeks to ensure that the management of the built environment ensures particular regard is given to:</i></p> <ul style="list-style-type: none"> <li><i>a. that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;</i></li> <li><i>b. the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission, and municipal water supply; and</i></li> <li><i>c. the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network.</i></li> </ul>