

**BEFORE THE INDEPENDENT HEARING PANEL FOR THE
PROPOSED CENTRAL HAWKES BAY DISTRICT PLAN**

UNDER of the Resource Management Act 1991
IN THE MATTER OF Proposed Central Hawkes Bay District Plan
AND
IN THE MATTER OF Further Submitter (3) by Firstgas Limited

WRITTEN STATEMENT OF EVIDENCE OF GRAEME JOHN ROBERTS

Hearing Stream 3:

Rural Environment: Rural Land Resource, General Rural Zone, Rural Production Zone, Rural Lifestyle Zone, and Subdivision - Rural

Evidence date: 31 May 2022

Hearing Commencement date: 15 June 2022

INTRODUCTION

Qualifications and Experience

1. My name is Graeme John Roberts.
2. I have practised as a planning professional for over 40 years. I hold a MA (Hons) in Geography from the University of Canterbury and a Diploma in Town Planning from the University of Auckland. I have been a Full Member of the New Zealand Planning Institute since 1981.
3. I am currently employed at Beca Limited in the position of Technical Director – Planning. I have been employed in this capacity since 2000. Prior to this I worked in a variety of planning roles with central government in NZ and Hong Kong and consultancies in Hong Kong and NZ.
4. I have supported Firstgas Limited (Firstgas) (and its predecessors) in relation to RM matters since the early 2000's. I am familiar with the approach that Firstgas have in terms of their assets and activities and the approach to resource management framework and processes.

Code of Conduct

5. 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

6. My written evidence covers the submission points lodged by Firstgas in relation to the General Rural Zone and Rural Production Zone. I have also read the following relevant s42A Reports as they relate to Firstgas' submissions (and others where relevant), and my evidence responds to the commentary and recommendations in those reports where necessary to do so:

- (a) Rural Environment – Volume 1: Strategic Direction & General Matters – Rowena Macdonald, dated 13 May 2022;
 - (b) Rural Environment – Volume 2: Rural Zones, Rural Noise, Rural Subdivision - Rowena Macdonald, dated 13 May 2022;
 - (c) Rural Environment – Volume 3: Rural Activities within the Rural Zones - Rowena Macdonald, dated 13 May 2022; and
 - (d) Rural Environment – Volume 4: Other Activities within the Rural Zones - Rowena Macdonald, dated 13 May 2022.
7. My written evidence will briefly address the following:
- (a) The planning background for Firstgas’ 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 reports on Firstgas’ submissions.

Planning Background and Higher Order Planning Documents

- 8. 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.
- 9. 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 Central Hawkes Bay region.
- 10. 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.

- 11. The Hawkes Bay Regional Policy Statement 2019 (HBRPS) recognises the importance of physical resources and infrastructure to enable communities to provide for their social, economic and cultural wellbeing and the importance of achieving quality built forms that mitigate reverse sensitivity effects on physical infrastructure. This recognition is further demonstrated by the following objectives in the HBRPS:

Objective 1 To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in Hawke's Bay, and its contribution to the development and prosperity of the region.

Objective UD1 Establish compact, and strongly connected urban form throughout the Region, that achieves quality built environments that: avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure.

Objective UD5 Ensure through long-term planning for land use change throughout the Region, that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.

- 12. The Central Hawkes Bay Plan is required to 'give effect' to these higher order planning documents or in other words implement. My view is that the relevant HBRPS objectives related to infrastructure imparts a clear protective focus in relation to the gas network across the region, including the Central Hawkes Bay District.

- 13. Objective 1 recognises the importance of physical resources such as the gas transmission network and its contribution to the development and prosperity of the region.
- 14. Objective UD1 recognises the importance of achieving built environments which avoid, remedy or mitigate reverse sensitivity effects on existing strategic and other physical infrastructure. This aligns with Firstgas' objective to avoid reverse sensitivity effects of the Gas Transmission Network.
- 15. Objective UD5 recognises the importance of the rate and location of development in relation to infrastructure, including the Gas Transmission Network. This provides a clear and directive focus that the Central Hawkes Bay 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.
- 16. The Firstgas Gas Network is 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 wellbeing.

Section 42A Report Recommendations

- 17. I have set out below in Appendix A below the submissions lodged by Firstgas, and the recommendation made on those submissions in the 42A Reports in relation to the General Rural Zone and Rural Production Zone.

Section 42A Report Recommendations – General Rural Zone

Primary Production Activities

- 18. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.114 Horticulture New Zealand, which seeks the deletion of reference to Standard GRUZ-S12 under Rule GRUZ-R3.

- 19. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not primary production activities (GRUZ-R3). Therefore, as this rule is specific to primary production activities, it is my opinion that reference to Standard GRUZ-S12 is not necessary and can be deleted.

Post-Harvest Activities

- 20. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.116 Horticulture New Zealand, which seeks the deletion of reference to Standards GRUZ-S12 under Rule GRUZ-R6.

- 21. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not post-harvest activities (GRUZ-R6). Therefore, as this rule is specific to post-harvest activities, it is my opinion that reference to Standard GRUZ-S12 is not necessary and can be deleted.

Commercial Activities

- 22. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.118 Horticulture New Zealand, which seeks the deletion of reference to Standards GRUZ-S12 under Rule GRUZ-R9.

- 23. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not commercial activities (GRUZ-R9). Therefore, as this rule is specific to commercial activities, it is my opinion that reference to Standard GRUZ-S12 is not necessary and can be deleted.

Community Facilities

- 24. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission

S81.119 Horticulture New Zealand, which seeks the deletion of reference to Standard GRUZ-S12 under Rule GRUZ-R10 as it relates to residential activities and is therefore redundant.

- 25. However, as Firstgas are seeking that standard GRUZ-S12 includes 'sensitive activities' rather than 'residential activities' only, it is my opinion that the link to standard GRUZ-S12 under Rule GRUZ-R10 should remain, insofar that it relates to 'sensitive activities'. This would ensure that community facilities, which are sensitive to the use and storage of hazardous substances, are subject to a 20m setback of the Gas Transmission Network or 30m of above ground incidental equipment.

Educational Facilities

- 26. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.120 Horticulture New Zealand, which seeks the deletion of reference to Standard GRUZ-S12 under Rule GRUZ-R11 as it relates to residential activities and is therefore redundant.
- 27. However, as Firstgas are seeking that standard GRUZ-S12 includes 'sensitive activities' rather than residential activities only, it is my opinion that the link to standard GRUZ-S12 under Rule GRUZ-R11 should remain insofar that it relates to 'sensitive activities'. As educational facilities are included within the definition of This would therefore ensure that educational activities are subject to a 20m setback of the Gas Transmission Network or 30m of above ground incidental equipment.
- 28. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission which seeks that the setback rules from the Gas Transmission Line and above ground structures remain within the zone-based section of the proposed District Plan. It is my opinion that this will provide more transparency and understanding to those plan users who are likely to be most affected by such provisions.

Intensive Primary Production Activities

- 29. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.121 Horticulture New Zealand, which seeks the deletion of reference to Standard GRUZ-S12 under Rule GRUZ-R14.

- 30. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not intensive primary production activities (GRUZ-R14). Therefore, as this rule is specific to intensive primary production activities, it is my opinion that reference to Standard GRUZ-S12 is not necessary and can be deleted.

GRUZ-S12 Setback from Gas Transmission Network

- 31. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission which opposed submission S121.198 Federated Farmers of New Zealand, which seeks the deletion of the setback rules in Standard GRUZ-S12.

- 32. Retaining standard GRUZ-S12 is essential for the management of reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures. It is my opinion that the District Plan is considered the best approach to managing reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures. GRUZ-S12 seeks to manage reverse sensitivity effects on the Gas Transmission Network which easement agreements do not manage. An easement agreement is a private contract between the landowner and the easement beneficiary. By contrast a District Plan is a public document available to all who wish to look at it. I agree that the setback of residential activities and other sensitive activities from the Gas Transmission Network is important to ensure there are no reverse sensitivity effects on the transmission network that could interfere with its ongoing operation as infrastructure of national, regional and local importance. The setback for residential activities is also important to ensure the health and safety of owners and occupiers of the residential buildings.

- 33. In addition to retaining standard GRUZ-S12, Firstgas seeks that the standard refers to ‘Sensitive Activities’ instead of ‘Residential Activities’. The definition of ‘Sensitive Activities’ includes residential activities as well as other activities, sensitive to the use and storage of hazardous substances, such as rest homes, day care facilities, education centres which are all activities that Firstgas require setbacks from the network. This will achieve consistency with the broader Plan, and ultimately maintain a level of protection for the regionally significant infrastructure.

Section 42A Report Recommendations – Rural Production Zone

Primary Production Activities

- 34. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas’ further submission in support of submission S81.157 Horticulture New Zealand and submission S121.217 Federated Farmers of New Zealand, which seeks the deletion of reference to Standard RPROZ-S14 under Rule RPROZ-R3.
- 35. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not primary production activities (RPROZ-R3). Therefore, as this rule is specific to primary production activities, it is my opinion that reference to Standard RPROZ-S14 is not necessary and can be deleted.

Post-Harvest Activities

- 36. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas’ further submission in support of submission S81.159 Horticulture New Zealand, which seeks the deletion of reference to Standard RPROZ-S14 under Rule RPROZ-R6.
- 37. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not post-harvest activities (RPROZ-R6). Therefore, as this rule is specific to post harvest activities, it is my opinion that reference to Standard RPROZ-S14 is not necessary and can be deleted.

Commercial Activities

- 38. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.162 Horticulture New Zealand, which seeks the deletion of reference to Standard RPROZ-S14 under Rule RPROZ-R9.

- 39. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not post-harvest activities (RPROZ-R9). Therefore, as this rule is specific to commercial activities, it is my opinion that reference to Standard RPROZ-S14 is not necessary and can be deleted.

Community Facilities

- 40. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.163 Horticulture New Zealand, which seeks the deletion of reference to Standards RPROZ-S14 under Rule RPROZ-R10 as it relates to residential activities and is therefore redundant.

- 41. However, as Firstgas are seeking that standard RPROZ-S14 includes 'sensitive activities' rather than residential activities only, it is my opinion that the link to standard RPROZ -S14 under Rule RPROZ-R10 should remain insofar that it relates to 'sensitive activities'. This would therefore ensure that community facilities, which are sensitive to the use and storage of hazardous substances, are subject to a 20m setback of the Gas Transmission Network or 30m of above ground incidental equipment.

Educational Activities

- 42. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.164 Horticulture New Zealand, which seeks the deletion of reference to Standard RPROZ-S14 under Rule RPROZ-R11 as it relates to residential activities and is therefore redundant.

- 43. However, as Firstgas are seeking that standard RPROZ-S14 includes 'sensitive activities' rather than residential activities only, it is my opinion that the link to standard RPROZ -S14 under Rule RPROZ-R11 should remain insofar that it relates to 'sensitive activities'. This would therefore ensure that education activities, which are sensitive to the use and storage of hazardous substances, are subject to a 20m setback of the Gas Transmission Network or 30m of above ground incidental equipment.

Intensive Primary Production Activities

- 44. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in support of submission S81.165 Horticulture New Zealand, which seeks the deletion of reference to Standards RPROZ-S14 under Rule RPROZ-R14.
- 45. GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not intensive primary production activities (RPROZ-R14). Therefore, as this rule is specific to intensive primary production activities, it is my opinion that reference to Standard RPROZ-S14 is not necessary and can be deleted.

RPROZ-S14 Setback from Gas Transmission Network

- 46. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission which opposed submission S121.228 Federated Farmers of New Zealand, which seeks the deletion of Standard RPROZ-S14.
- 47. Retaining standard RPROZ-S14 is essential for the management of reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures. It is my opinion that the District Plan is considered the best approach to managing reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures. RPROZ-S14 seeks to manage reverse sensitivity effects on the Gas Transmission Network which easement agreements do not manage.

48. In addition to retaining standard RPROZ-S14, Firstgas seeks that the standard refers to 'Sensitive Activities' instead of 'Residential Activities'. The definition of 'Sensitive Activities' includes residential activities as well as other activities such as rest homes, day care facilities, and education centres which are all activities Firstgas require achieve these setbacks from the network. This will achieve consistency with the broader Plan, and ultimately maintaining a level of protection for the regionally significant infrastructure.

Conclusion

49. In summary, my view is that the gas transmission network 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.
50. I consider the relevant provisions as recommended in the Section 42A reports will appropriately:
- (a) recognise Firstgas' transmission network and pipeline by providing appropriate provisions throughout the plan and set a platform to recognise the strategic importance of this network to the Central Hawkes Bay District; and
 - (b) provide for the safe, efficient and effective operation, maintenance, replacement, upgrade, removal and/ or development of the network; and
 - (c) give effect to the relevant policies of the HBRPS and Strategic Objectives of the Proposed plan. The recommended provisions ensure that the Regionally Significant Infrastructure is protected from land use and subdivision and therefore future development through the consenting process and allows the Firstgas Gas Transmission Network to operative efficiently and safely.

Appendix A

Table 1: Summary of my opinion on the Section 42A Rural Environment Recommendations – Firstgas Submissions

Submission reference	Provision	Submission intent	Section 42A report recommendation	My opinion on the section 42A recommendation
General Rural Zone				
(FS3.020)	GRUZ-R3	<p>Firstgas agrees with submission (S81.114 Horticulture New Zealand) that seeks GRUZ-R3 is amended to remove link to GRUZ-S12.</p> <p>GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not primary production activities (GRUZ-R3).</p>	Accept	Agree
(FS3.021)	GRUZ-R6	<p>Firstgas agrees with submission (S81.116 Horticulture New Zealand) that seeks GRUZ-R6 is amended to remove link to GRUZ-S12.</p> <p>GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not post-harvest activities (GRUZ-R6).</p>	Accept	Agree
(FS3.022)	GRUZ-R9	<p>Firstgas agrees with submission (S81.118 Horticulture New Zealand) that seeks GRUZ-R9 is amended to remove link to GRUZ-S12.</p> <p>GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not commercial activities (GRUZ-R9).</p>	Accept	Agree
(FS3.023)	GRUZ-R10	<p>Firstgas agreed with submission (S81.119 Horticulture New Zealand) that seeks GRUZ-R9 is amended to remove link to GRUZ-S12 as it relates to residential activities.</p>	Accept	Disagree

		<p>However, Firstgas seeks that the link to Standard GRUZ-S12 under Rule GRUZ-R9 remains provided that Standard GRUZ-S12 is amended to include 'sensitive activities' rather than 'residential activities'.</p>		
(FS3.024)	GRUZ-R11	<p>Firstgas did not oppose nor support submission (S79.107 Transpower New Zealand).</p> <p>The submitter seeks for the national grid setback and land use controls to be within one permitted activity and one non-complying activity rule in the network utility section of the proposed District Plan.</p> <p>Firstgas seeks that the setback rules from the Gas Transmission Line and above ground structures remain within the zone-based section of the proposed District Plan.</p>	Accept	Agree
(FS3.025)	GRUZ-R11	<p>Firstgas agreed with submission (S81.120 Horticulture New Zealand) that seeks GRUZ-R11 is amended to remove link to GRUZ-S12 as it relates to residential activities.</p> <p>However, Firstgas seeks that the link to Standard GRUZ-S12 under Rule GRUZ-R11 remains provided that Standard GRUZ-S12 is amended to include 'sensitive activities' rather than 'residential activities'.</p>	Accept	Disagree
(FS3.026)	GRUZ-R14	<p>Firstgas agrees with submission (S81.121 Horticulture New Zealand) that seeks GRUZ-R14 is amended to remove link to GRUZ-S12.</p> <p>GRUZ-S12 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not intensive primary production activities (GRUZ-R14).</p>	Accept	Agree

(FS.027)	GRUZ-S12	<p>Firstgas opposed submission (S121.198 Federated Farmers of New Zealand) which sought to delete setback rules in relation to the Gas Transmission Network.</p> <p>The District Plan is considered the best approach to managing reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures.</p> <p>Firstgas sought for the proposed rule to be retained to manage actual and potential reverse sensitivity effects.</p>	Accept	Agree
Rural Production Zone				
(FS3.028)	RPROZ-R3	<p>Firstgas agreed with submission (S81.157 Horticulture New Zealand) that seeks RPROZ-R3 is amended to remove link to RPROZ-S14.</p> <p>RPROZ-S14 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not primary production activities (RPROZ-R3).</p>	Accept	Agree
(FS3.029)	RPROZ-R3	<p>Firstgas agreed with submission (S121.217 Federated Farmers of New Zealand) that seeks RPROZ-R3 is amended to remove link to RPROZ-S14.</p> <p>RPROZ-S14 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not primary production activities (RPROZ-R3).</p>	Accept	Agree
(FS3.030)	RPROZ-R6	<p>Firstgas agreed with submission (S81.159 Horticulture New Zealand) that seeks RPROZ-R6 is amended to remove link to RPROZ-S14.</p> <p>RPROZ-S14 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not post-harvest activities (RPROZ-R6).</p>	Accept	Agree

(FS3.031)	RPROZ-R9	<p>Firstgas agreed with submission (S81.162 Horticulture New Zealand) that seeks RPROZ-R9 is amended to remove link to RPROZ-S14.</p> <p>RPROZ-S14 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not commercial activities (RPROZ-R9).</p>	Accept	Agree
(FS3.032)	RPROZ-R10	<p>Firstgas agreed with submission (S81.163 Horticulture New Zealand) that seeks RPROZ-R10 is amended to remove link to RPROZ-S14 as it relates to residential activities.</p> <p>However, Firstgas seeks that the link to Standard RPROZ-S14 under Rule RPROZ-R10 remains provided that Standard RPROZ-S14 is amended to include 'sensitive activities' rather than 'residential activities'.</p>	Accept	Disagree
(FS3.033)	RPROZ-R11	<p>Firstgas agreed with submission (S81.164 Horticulture New Zealand) that seeks RPROZ-R11 is amended to remove link to RPROZ-S14 as it relates to residential activities.</p> <p>However, Firstgas seeks that the link to Standard RPROZ-S14 under Rule RPROZ-R11 remains provided that Standard RPROZ-S14 is amended to include 'sensitive activities' rather than 'residential activities'.</p>	Accept	Disagree
(FS3.034)	RPROZ-R14	<p>Firstgas agreed with submission (S81.165 Horticulture New Zealand) that seeks RPROZ-R14 is amended to remove link to RPROZ-S14.</p> <p>RPROZ-S14 relates to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment and not</p>	Accept	Agree

		intensive primary production activities (RPROZ-R14).		
(FS3.035)	RPROZ-S14	Firstgas opposed submission (S121.228 Federated Farmers of New Zealand) which seeks to delete Standard RPROZ-S14. RPROZ-S14 seeks to manage reverse sensitivity effects on the Gas Transmission Network which easement agreements do not manage. The District Plan is considered the appropriate mechanism to manage potential reverse sensitivity effects on the network.	Accept	Agree

Graeme John Roberts

31 May 2022