

**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 7:
Energy, Infrastructure and Transport**

Evidence date: 30 November 2022

Hearing Commencement date: 14 December 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 resource management 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 Network Utilities framework. I have also read the following relevant s42A Report as it relates to Firstgas' submissions (and others where relevant), and my evidence responds to the commentary and recommendations in the report where necessary to do so:

- (a) Officer's Report: Network Utilities – Janeen Kydd-Smith, dated 14 November 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 report on Firstgas' submissions.

Planning Background and Higher Order Planning Documents

- 8. Ultimately, the purpose of the Resource Management Act 1991 (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 enabling and 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 in Appendix A the submissions lodged by Firstgas (as contained in the 42A Report in relation to the Network Utilities framework), the recommendation made on those submissions, and whether I agree or disagree with the recommendation.

Section 42A Report Recommendations – Network Utilities

Strategic Direction – General

18. Following a review of the Section 42A report, I concur with the recommendation made in that report to reject Firstgas' further submission in support of submission S117.025 Chorus New Zealand Limited, which seeks to include a new 'Strategic Direction for Infrastructure' section within the 'Strategic Direction' chapter of the Proposed Plan – including introducing three new objectives within this new section.
19. I agree with the analysis provided by the Reporting Officer insofar as the appropriateness of a new strategic direction for 'infrastructure' when considering the following matters:

- the framework provided within the existing objectives and policies of the NU - Network Utilities chapter, the SUB - Subdivision chapter and the RE – Renewable Energy chapter pertaining to network utilities.
- the absence of a definition of ‘infrastructure’ within both the Proposed Plan and the National Planning Standards.
- the guidance afforded by the National Planning Standard regarding plan structure for ‘key strategic or significant resource management matters of a district’.

Issue NU-I3 - Effects of Other Activities on Network Utilities

20. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas’ further submissions in support of submission S79.021 Transpower New Zealand, which seeks to retain issue NU-I3, as notified; and in opposition of submission S129.006 Kainga Ora – Homes and Communities, which seeks to amend issue NU-I3 to include the qualifier ‘where not appropriately managed’.
21. Issue NU-I3 recognises the potential of other activities to constrain the operation of utility operations for network utilities. When reading both the issue and subsequent explanation paragraph below, and considering the associated policy framework which respond to this issue, it is my opinion that, combined, this framework clearly provides for the consideration of “appropriateness” of activities for plan users. Therefore, I concur with the analysis provided by the Reporting Officer in response to the amendments sought by Kainga Ora – Homes and Communities. Specifically, rejecting the proposed amendments sought noting that “the explanation associated with the issue appropriately provides the context for the issue and clarification”¹.

Policy NU-P5

22. Following a review of the Section 42A report, I concur with the recommendation made in that report to accept, in part, Firstgas’ further submissions in support of submission S56.016 Powerco Limited, which seeks to retain policy NU-P5, as notified; in opposition of submission S81.053 Horticulture New Zealand, which seeks

¹ Officer’s Report: Network Utilities, dated 14 November 2022, para 7.3.10.

to amend the qualifier of policy NU-P5; and in opposition of S129.025 Kainga Ora – Homes and Communities, which seeks various amendments to clarify when activities may require management.

23. In brief, policy NU-P5 pertains to the protection of network utilities from the adverse effects of subdivision, use and development. The recommendation of the Reporting Planner is to amend policy NU-PU5 but retain all 8 clauses – albeit with minor changes to the wording of clauses 6, 7 and 8. In summary:

- I am neutral to those amendments to policy NU-P5 to better reflect the wording of Policy 10 of the National Policy Statement on Electricity Transmission. However, I note I do consider it appropriate to achieve consistency between the Proposed Plan and higher order documents – while avoiding simply duplicating / repeating these higher order documents. Therefore, I do concur with the Reporting Planner’s rationale² in relation to these amendments.
- I am neutral to the recommended amendments to clause 6 and 7 of policy NU-P5 in response to the submission (S79.030) by Transpower³ - noting these specifically pertain to the potential effects of earthworks and subdivision on the National Grid.
- I support the recommended amendment to clause 8 to replace the word “activity” with “utility” insofar as this will ensure a more consistent approach within the policy framework of the Proposed Plan regarding network utilities.

24. Turning to clause 5 of policy NU-P5, I concur with the recommendation made in the Section 42A report to accept Firstgas’ further submission in opposition of Horticulture New Zealand, which sought to delete clause 5 of policy NU-P5. In its’ further submission, Firstgas sought to retain clause 5 on the basis that it is important in establishing a planning framework that manages reverse sensitivity effects on the nationally significant gas transmission network⁴. I agree with the position of Firstgas

² Officer’s Report: Network Utilities, dated 14 November 2022, para 9.3.58.

³ Officer’s Report: Network Utilities, dated 14 November 2022, para 9.2.71.

⁴ Officer’s Report: Network Utilities, dated 14 November 2022, para 9.2.78.

and, therefore, concur with the recommendation of the Reporting Officer to retain clause 5, as notified.

Conclusion

25. 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.

26. I consider that the relevant provisions as recommended in the Section 42A report 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;
 - (b) provide for the safe, efficient and effective operation, maintenance, replacement, upgrade, removal and/ or development of the network;
 - (c) give effect to the relevant policies of the HBRPS and Strategic Objectives of the Proposed plan; and
 - (d) will ensure that the Regionally Significant Infrastructure is protected from subdivision and future development through the consenting process - allowing the Firstgas Gas Transmission Network to operate efficiently and safely.

Graeme John Roberts

30 November 2022

Appendix A

Table 1: Summary of my opinion on the Section 42A Network Utilities – Firstgas Submissions

Submission reference	Provision	Submission intent	Section 42A report recommendation	My opinion on the section 42A recommendation
Network Utilities				
(FS3.006)	Strategic Direction - [General]	Firstgas supports submission (S117.025 Chorus New Zealand Limited) that seeks to include a new 'Strategic Direction for Infrastructure' section within the 'Strategic Direction' chapter of the Proposed Plan – including introducing three new objectives within this new section.	Reject	Agree
(FS3.007)	NU-I3	Firstgas supports submission (S79.021 Transpower New Zealand Ltd) that seeks to retain issue NU-I3. NU-I3 relates to the issue arising from the potential effects of new subdivision, land use and development on network utilities that may constrain the operation of utility operations.	Accept	Agree
(FS3.008)	NU-I3	Firstgas opposes submission (S129.016 Kainga Ora – Homes and Communities) that seeks to amend issue NU-I3 to insert a qualifier 'where not appropriately managed' in respect to managing the new subdivision, land use and development in close proximity to existing network utilities. NU-I3 relates to the issue arising from the potential effects of new subdivision, land use and development on network utilities that may constrain the operation of utility operations.	Accept	Agree
(FS3.009)	NU-P5	Firstgas supports submission (S56.016 Powerco Limited) that seeks to retain policy NU-P5 as notified. NU-P5 relates to the protection of network utilities from the adverse effects of subdivision, use and development.	Accept in part	Agree

(FS3.0010)	NU-P5	<p>Firstgas opposes submission (S81.053 Horticulture New Zealand) that seeks to amend policy NU-P5 to ensure that the adverse effects of subdivision use and development, do not, to the extent reasonable possible, constrain or compromise the activities of network utilities – rather than retain the ‘protection’ qualifier.</p> <p>NU-P5 relates to the protection of network utilities from the adverse effects of subdivision, use and development.</p>	Accept in part	Agree
(FS3.011)	NU-P5	<p>Firstgas opposes submission (S81.054 Horticulture New Zealand) that seeks to delete clause 5 from policy NU-P5.</p> <p>NU-P5 relates to the protection of network utilities from the adverse effects of subdivision, use and development.</p>	Accept	Agree
(FS3.012)	NU-P5	<p>Firstgas opposes submission (S129.016 Kainga Ora – Homes and Communities) that seeks to amend policy NU-P5 to clarify when activities may require management and to reflect that where well planned subdivision, use, and development within proximity to network utilities is likely to be appropriate such that reverse sensitivity effects can be appropriately addressed and / or managed.</p> <p>NU-P5 relates to the protection of network utilities from the adverse effects of subdivision, use and development.</p>	Accept in part	Agree