

**BEFORE THE INDEPENDENT HEARING PANEL FOR THE
PROPOSED WELLINGTON CITY COUNCIL DISTRICT PLAN**

UNDER of the Resource Management Act 1991
IN THE MATTER OF Proposed Wellington City Council District
Plan
AND
IN THE MATTER OF Strategic Direction by Firstgas Limited

WRITTEN STATEMENT OF EVIDENCE OF GRAEME JOHN ROBERTS

**Hearing Stream 1:
Strategic Direction**

Evidence date: 7 February 2023

Hearing Commencement date: 21 February 2023

INTRODUCTION

Qualifications and Experience

1. My name is Graeme John Roberts.
2. I have practiced 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 strategic direction 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) Wellington City Proposed District Plan. Hearing Stream 1 – Part 1, plan wide matters and strategic direction – Adam McCutcheon, dated 21 February 2023;
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 Wellington 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 Greater Wellington Regional Policy Statement 2013 (GWRPS) recognises the 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. This recognition is further demonstrated by 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.*

12. The Wellington City Council District Plan is required to 'give effect' to these higher order planning documents 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 across the region.
13. In respect of the outcome sought in the GWRP, Objective 10 seeks to recognise and protect the social, economic, cultural and environmental, benefits of regionally significant infrastructure.
14. 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).

15. Policy 8 imparts a clear and directive protective focus in that the Wellington 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. I am aware that this approach aligns with the way in which Firstgas operate their network, but ultimately that network must be allowed to efficiently and effectively operate and be maintained and upgraded, in a manner that protects people, property and the environment.

Section 42A Report Recommendations

16. I have set out in **Appendix A** the submissions lodged by Firstgas (as contained in the s42A Report in relation to the strategic direction framework), the recommendation made on those submissions, and whether I agree or disagree with the recommendation.

Section 42A Report Recommendations – Definitions

Regionally Significant Infrastructure

17. Following a review of the Section 42A report, I understand the reasoning for the recommendation to reject Firstgas' submission points S304.9 and 304.10 which seek to amend the definition of 'Regionally Significant Infrastructure' within this hearing stream. Firstgas' submissions sought that the definition of 'Regionally Significant Infrastructure' be amended so that it incorporates the wider gas transmission network rather than pipelines only and is inclusive of any associated above or below-ground fitting, appurtenance, fixture or equipment required for the conveyance of the product or material in the pipeline and / or for its safe, efficient or effective operation.
18. I agree with the Reporting Officer that deferring submission points S304.9 and S304.10 to Hearing Stream 9 – Infrastructure is more appropriate given that changes may occur if Plan Change 1 to the RPS is determined prior to the hearings of the Infrastructure provisions of the plan. I consider that revisiting these submission points along with other relevant matters relating to this definition within

Hearing Stream 9 is appropriate, to the extent it will allow any changes within any other hearing streams to be captured within the definition and to ensure that the definition is consistent with the RPS.

Section 42A Report Recommendations – SCA – Strategic City Assets and Infrastructure Chapter

SCA-01

19. Following a review of the Section 42A report, I agree with the recommendation made in the report to accept Firstgas' submission S304.11 in part which sought to retain Objective SCA-01 as notified. The recommendation in the S42A report is to amend Objective SCA-01 to include an additional clause to align with the city's zero carbon emissions goal.
20. I generally agree with the recommendation in the s42A report given the reasons provided by the Reporting Officer, that infrastructure has the ability to contribute to reducing carbon emissions helping to achieve the city's zero carbon emissions goal.

SCA-02

21. Following a review of the Section 42A report, I agree with the recommendation made to accept Firstgas' submission S304.12 in part which sought to retain Objective SCA-02 as notified. The recommendation in the s42A report is to amend Objective SCA-02 so that it captures all infrastructure more broadly rather than development infrastructure only.
22. I generally agree with the recommendation in the s42A report given the reasons provided by the Reporting Officer. This will allow for all infrastructure including the Gas Transmission Network to be captured within this Objective.

SCA-03

23. Following a review of the Section 42A report, I agree with the recommendation made in the report to accept Firstgas' submission S304.13 in part which sought to retain Objective SCA-03 as notified with a minor amendment to referencing.

SCA-04

24. Following a review of the Section 42A report, I agree with the recommendation made in the report to accept Firstgas' submission S304.14 in part which sought to retain Objective SCA-04 as notified. Firstgas' submission points S304.9 and 304.10 sought an amendment to the definition of 'Regionally Significant Infrastructure' so that it incorporates the wider gas transmission network. The Reporting Officer has recommended that these matters are deferred to Hearing Stream 9 – Infrastructure. Subject to the definition being amended, Firstgas would be satisfied that the wider gas network inclusive of any associated above or below-ground gas infrastructure would be captured within this Objective.

SCA-05

25. Following a review of the Section 42A report, I agree with the recommendation made in the report to accept Firstgas' submission S304.15 in part which sought to retain Objective SCA-05 as notified. The recommendation in the s42A report is to amend Objective SCA-05 to remove the term 'technical need' and replace it with 'functional need'.
26. I generally agree with the recommendation in the s42A report given the reasons provided by the Reporting Officer. The term 'functional need' is more appropriate as it is defined within the National Planning Standards and within the District Plan. As the term is defined, this makes it clear for the plan user what the Objective is seeking to achieve. Firstgas is supportive of the Planning Standards definition of 'functional need' and is therefore supportive of this amendment.

SCA-06

27. Following a review of the Section 42A report, I agree with the recommendation to accept Firstgas' submission S304.16 in part which sought to retain Objective SCA-06. The recommendation in the s42A report is to expand the Objective so that it seeks to ensure that the efficiency and safe operation of infrastructure is also

protected from incompatible development and activities that may create reverse sensitive activities.

28. I generally agree with the recommendation in the s42A report as the amendment to Objective SCA-06 will ensure that any development or activities which may threaten the efficiency and safety of the Gas Transmission Network are appropriately managed.

Conclusion

29. 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.
30. I consider 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 Wellington City;
 - (b) provide for the safe, efficient and effective operation, maintenance, replacement, upgrade, removal and/ or development of the network, as well as the ability to access that network;
 - (c) give effect to the relevant policies of the RPS; 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

7 February 2023

Appendix A

Table 1: Summary of my opinion on the Section 42A Strategic Direction – Firstgas Submissions

Submission reference	Provision	Submission intent	Section 42A report recommendation	My opinion on the section 42A recommendation
Definitions				
304.9	Definitions – Regionally Significant Infrastructure	Firstgas sought to amend the definition of 'Regionally Significant Infrastructure' so that it incorporates the wider gas transmission network rather than the pipelines only. The network (which includes the ancillary above and below ground infrastructure), as opposed to solely the pipelines, delivers gas to consumers, thereby providing for their well-being and their health and safety. As such, it is the network, not only the pipelines that should be defined as Regionally Significant Infrastructure (Option A).	Reject	Agree
304.10	Definitions – Regionally Significant Infrastructure	Firstgas sought to amend the definition of 'Regionally Significant Infrastructure' to include any associated above or below-ground fitting, appurtenance, fixture or equipment required for the conveyance of the product or material in the pipeline and / or for its safe, efficient or effective operation.	Reject	Agree
Strategic Objectives				
304.11	Strategic Direction – Objective SCA-01	Firstgas sought to retain Objective SCA-O1, as notified	Accept in part	Agree
304.12	Strategic Direction – Objective SCA-02	Firstgas sought to retain Objective SCA-O2, as notified	Accept in part	Agree

304.13	Strategic Direction – Objective SCA-03	Firstgas sought to retain Objective SCA-O3, as notified	Accept in part	Agree
304.14	Strategic Direction – Objective SCA-04	Firstgas sought to retain Objective SCA-O4, as notified	Accept in part	Agree
304.15	Strategic Direction – Objective SCA-05	Firstgas sought to retain Objective SCA-O5, as notified	Accept in part	Agree
304.16	Strategic Direction – Objective SCA-06	Firstgas sought to retain Objective SCA-O6, as notified	Accept in part	Agree