



Submission by First Gas Limited

Proposed Waitomo District Plan

22 December 2022

Submitter Details

Organisation: First Gas Limited
Postal Address: c/- Wood+Beca Limited
P.O Box 264
Taranaki Mail Centre 4340
New Plymouth
Email: Natalie.Webb@beca.com
Phone: Tel: +64 6 758 9135



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

22/12/2022

.....

Date

Title and address for service of
person making comment:

Firstgas Limited
c/o Wood+Beca Limited
Attention: Natalie Webb
Address: c/- Wood+Beca Limited
P.O Box 264
Taranaki Mail Centre 4340
New Plymouth

Introduction to First Gas Limited

First Gas Limited ('Firstgas') purchased the gas transmission network from Vector Gas Ltd on 20 April 2016, and now owns and operates approximately 2500km of high-pressure natural gas transmission pipelines throughout the North Island. Firstgas' ownership includes the ancillary above and below ground infrastructure (collectively known as the "Gas Transmission Network") required to operate the gas network.

In addition to the Gas Transmission Network, Firstgas also operates more than 4,800kms of gas distribution network across the North Island.

In a resource management context, Firstgas' assets and operations deliver significant benefits to Waitomo and the wider North Island. The transmission (and distribution) of natural gas provides for economic growth, enables communities, businesses and industries to function and provides for people's social well-being and their health and safety. The Gas Transmission Network is both regionally and nationally significant.:

- Firstgas is a Requiring Authority under the Resource Management Act 1991
- The Firstgas transmission pipeline is included within the definition of nationally significant infrastructure of the National Policy Statement on Urban Development 2020 (NPSUD), recognising the importance of the safe and efficient operation of the infrastructure on a national scale.

In addition, the gas transmission network is defined as a lifeline utility within Schedule 1, Part B of the Civil Defence Emergency Management Act 2002, with the assets and operations regulated and controlled by both the Gas Act 1992 and AS2885: The Standard for Gas and Liquid Petroleum pipelines. The gas distribution network is regulated and controlled by the Gas Act 1992 and AS/NZS 4645.1:2018

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

- Transmission Pipeline
- Above Ground Assets, including:
 - Waitomo Blind Tap
 - Oparure Main Line Valve
 - Te Kuiti Main Line Valve
 - Te Kuiti North Delivery Point
 - Te Kuiti South Offtake
 - Te Kuiti South Delivery Point
 - Mairoa Road Main Line Valve
 - Mangaotaki Main Line Valve
 - Mahoenui Scraper Station
 - Mahoenui Compressor Station
 - Awakau Main Line Valve

Firstgas' assets in the area are illustrated in **Figure 1** below. More detailed maps are provided in Attachment 2.



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

Firstgas Interests in the Proposed Waitomo District Plan

Background

Prior to purchasing the Gas Transmission Network in 2016, former owners and operators relied on the legal gas pipeline 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 nor for surrounding sensitive land uses. For example, there have been 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 close proximity to the network, resulting in reverse sensitivity effects.

General Approach to Resource Management Processes

Firstgas have become active in resource management processes through the district planning/resource management related processes. The outcomes sought have generally been as follows:

- To enable the access, operation, maintenance, upgrade and/ or removal of the assets; and
- To protect the assets and operations from others' land-use and subdivision activities; and
- To achieve North Island wide consistency and fulfill its own operating obligations under AS2885 (refer below).

To assist this, as well as seek designations in some districts through District Plan review processes, Firstgas has worked on a suite of 'model provisions' specific to the Gas Transmission Network which are sought in district plans.

Operation, maintenance, replacement, upgrade, removal and development

Firstgas' gas network is regionally and nationally significant infrastructure which delivers significant benefits to people's social and economic well-being, as well as providing 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 the provision of objective and policy frameworks and more enabling rules and activity statuses (where the activity is not likely to result in unacceptable environmental effects).

Protection from third party works

Under its operating standard, Firstgas has an obligation to ensure the safety of the pipeline network and the people living and working near the network. 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). Firstgas is required to ensure that the protection and integrity of the pipeline is maintained to ensure the safety of the public, property and the environment.

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 located and/or carried out in such a way so as not to 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. Such examples of activities include:

- Subdivision which has not considered maintaining practical vehicular access to the Gas Transmission Network;
- Earthworks which impact pipeline depth of cover or stability of the pipeline;
- New roads or right of ways which have the potential to damage the pipeline, or result in access issues; and
- Land use changes which result in an increased density of population living in close proximity to the Gas Transmission Network.

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

Consistent outcomes sought in District Plan reviews

Firstgas is proactively engaging with local authorities through district plan reviews to embed both enabling (where appropriate) and protective provisions in district plans.

As well as the inclusion of designations in some districts, specific and consistent district plan outcomes established to date, and continuing to be sought across the North Island are:

- Identification of the Gas Transmission Pipeline, as well as the above ground assets, on planning maps.
- An enabling objective, policy and rule framework for operating, maintaining, upgrading the Gas Transmission Network (where the effects are acceptable).
- A restricted discretionary activity for the subdivision of land containing the Gas Transmission Pipeline Corridor, 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 Pipeline Corridor, as well as above ground related infrastructure.
- Reverse sensitivity policy provisions related to the Gas Transmission Network.

To date, the above outcomes have been sought and largely secured from participation in the following District Plan Review and / or Plan Change processes: South Taranaki, New Plymouth, and Porirua.

Proposed Waitomo District Plan

Within the Waitomo District, the Gas Transmission Network traverses the General Rural Zone, Māori Purpose Zone, Industrial Zone, Natural Open Space Zone, Future Urban Zone and the Rural Lifestyle Zone.

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

- Karst Overlay
- Landscapes
- Outstanding Natural Features
- Rivers/Lakes
- Roads
- Sites and Areas of Significance to Māori

Firstgas is a Requiring Authority under Section 167 of the Resource Management Act. Firstgas’ assets are proposed to be designated (“rolled-over”) in the Waitomo District Plan as part of the District Plan Review. Should the designation not be confirmed, 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.

Regional Policy Statement – Waikato Region

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

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

The Regional Plan for the Waikato 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
Urban Form and Development Objective 01	<i>Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</i> <i>...</i> <i>recognising and protecting the value and long-term benefits of regionally significant infrastructure;</i>
Energy, Infrastructure and Transport Policy 1	<i>Management of the built environment ensures particular regard is given to:</i> <ol style="list-style-type: none"> <i>1. that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;</i> <i>2. 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</i>
Urban Form and Development Policy 2	<i>Management of the built environment ensures:</i> <i>the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:</i> <ol style="list-style-type: none"> <i>a) optimise the efficient and affordable provision of both the development and the infrastructure;</i>

Provision	Wording
	<p>b) <i>maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;</i></p> <p>c) <i>protect investment in existing infrastructure; and</i></p> <p>d) <i>ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;</i></p>

'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 potentially adverse effects of development in proximity to Firstgas' regionally (and nationally) significant assets are avoided, remedied or mitigated.

General Response

Attachment 1 details the outcomes sought by Firstgas. In summary, these are as follows:

- The Gas Transmission Network is recognised and provided for to be safely, effectively and efficiently accessed, operated, maintained, replaced, upgraded, removed and developed, through a more enabling activity status where effects are acceptable;
- The Gas Transmission Network is recognised as having functional and operational requirements and constraints, including in respect of its location;
- There may be some occasions where works undertaken by Firstgas generate adverse environmental effects;
- That the adverse effects of third-party development or activities in close proximity to the Gas Transmission Network are managed to the extent that adverse effects on the network are avoided or appropriately mitigated;
- Firstgas is identified as an affected party in the event resource consent is required in respect of potential effects on assets owned and operated by Firstgas especially land use changes and subdivision; and
- The identification of the Gas Transmission Pipeline, as well as above ground related infrastructure which form part of the network, on the District Plan Maps to ensure visibility of the network for plan users.

Attachment 1: Detailed Response by Firstgas Limited

The following table sets out the decisions sought by Firstgas Limited (Firstgas), including specific amendments to provisions of the Wellington City Council Proposed 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			
Interpretation / Definitions			
Earthworks	Support	Firstgas supports this definition as it is consistent with the National Planning Standards definition for Earthworks.	Retain as drafted
Gas Transmission Network	Support	Firstgas supports this definition.	Retain as drafted.
Minor utility structure	Support	Firstgas supports this definition.	Retain as drafted.
Gas Transmission Pipeline	Add	Firstgas seeks the inclusion of the Gas Transmission Pipeline, required to implement rules sought in the Plan related to the pipeline only. The additional definition is required to differentiate between the underground, above ground and buffer/setbacks areas in relation to the infrastructure and managing potential reverse sensitivity issues.	Add a new definition, which reads: <u>Gas Transmission Pipeline: means any high-pressure gas pipeline to convey natural gas at a gauge pressure exceeding 2,000 kilopascals.</u>
Regionally Significant Infrastructure	Amend	Firstgas seeks that the definition of 'Regionally Significant Infrastructure' be amended 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.	Amend the definition of 'Regionally Significant Infrastructure' as follows: Regionally Significant Infrastructure: means regionally significant infrastructure including: (a) Pipelines for the distribution of natural or manufactured gas or petroleum (b) <u>The Gas Transmission Network</u> (c)



Proposed Plan Provision	Support/Oppose/ Amend/Add	Reasons	Relief Sought
		As such, it is the network, not only the pipelines that should be defined as Regionally Significant Infrastructure.	Or similar relief to achieve this submission – that 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 is included in the definition.
Transmission sensitive activities	Support	Firstgas supports this definition.	Retain as drafted.
Part 2 – District Wide Matters			
Strategic Objectives			
SD-030	Support	The strategic objectives relating to Infrastructure are generally supported in terms of the outcomes they seek related to the establishment, access, operation, maintenance and upgrading of infrastructure.	Retain as drafted
National Electricity and Gas Transmission			
NEGT-02	Support	The objectives are generally supported in terms of the outcomes they seek related to the protection of the regionally and nationally significant infrastructure.	Retain as drafted
NEGT-P3	Support	Firstgas generally supports this policy as it relates to the outcomes sought for the infrastructure.	Retain as drafted
NEGT-P4	Support	Firstgas generally supports this policy as it relates to the outcomes sought for the infrastructure.	Retain as drafted.
NEGT-P5	Support	Firstgas generally supports this policy as it relates to the outcomes sought for the infrastructure.	Retain as drafted.
NEGT-P6	Support	Firstgas generally supports this policy as it relates to the outcomes sought for the infrastructure.	Retain as drafted.
NEGT-R5	Support with amendment	Firstgas supports the earthwork standards however to ensure consistency with nation-wide policy framework, Firstgas are seeking that the distance from the gas transmission network be reduced from	NEGT-R5

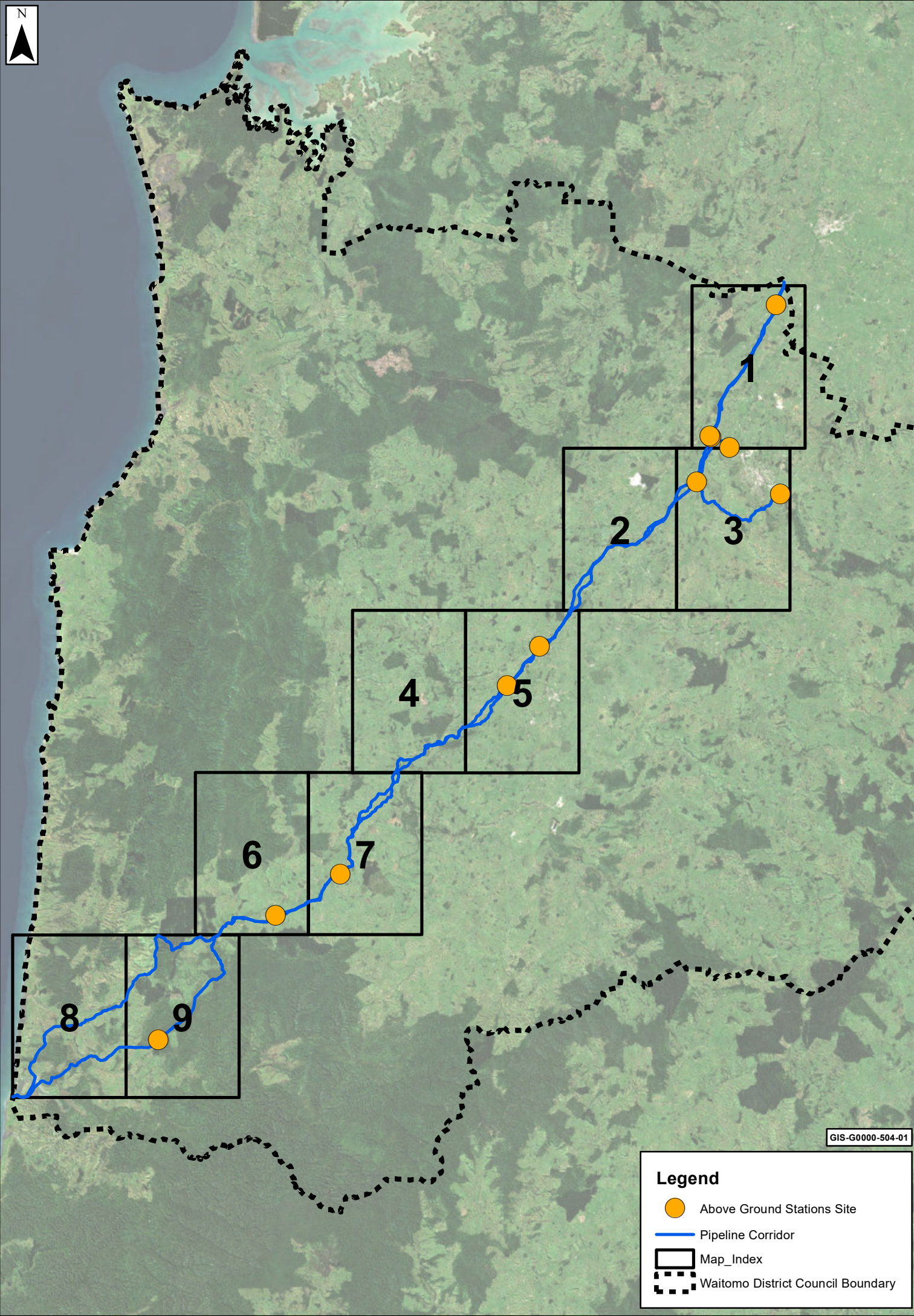
Proposed Plan Provision	Support/Oppose/ Amend/Add	Reasons	Relief Sought
		<p>20m to 10m as a permitted activity. This will provide the necessary setback to ensure that the integrity and stability of the regionally significant infrastructure is recognised, while balancing the potential needs of the landowners' use of their property.</p>	<p>Earthworks within 20m 10m of the gas transmission network</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The earthworks are within 20m 10m of the gas transmission network and do not include: <ol style="list-style-type: none"> (i) A change to the ground contour or ground level; or (ii) The planting of trees within 10 m of the gas transmission pipeline; or (iii) Soil loading over the gas transmission pipeline; or (iv) The use of heavy vehicle or machinery, except where required to undertake cultivation; <p>AND</p> <ol style="list-style-type: none"> 2. This rule does not apply to cultivation and domestic gardening (except for the planting of trees); and 3. A minimum of five working days prior to the commencement of earthworks, written advice of the work must be provided to the gas transmission pipeline owner and operator. Nothing in this rule shall limit Māori cultural and customary uses and burials in Sites or Areas of Significance to Māori or in the Māori purpose zones identified on the planning maps. <p>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</p> <p>Note: First Gas Ltd will be considered an affected party in accordance with section 95E of the Act.</p> <p>Note: For any works within a gas pipeline easement area, a Pipeline Easement Permit must be obtained.</p>
NEGT-R6	Support	<p>Firstgas generally supports this rule as it is consistent with the outcomes sought for the infrastructure.</p>	<p>Retain as drafted</p>

Proposed Plan Provision	Support/Oppose/ Amend/Add	Reasons	Relief Sought
NEGT-R7	Support	Firstgas generally supports this rule as it is consistent with the outcomes sought for the infrastructure.	Retain as drafted.
NEGT-R8	Support	Firstgas support the rule which seeks to separate transmission sensitive activities from the gas transmission network. Sensitive activities have a higher population density than residential activities and a separation distance of 60m from the gas transmission network will provide a reasonably practicable solution to achieving the safe operation of the network and mitigation of risk for the wellbeing and health and safety of people and communities.	Retain as drafted
NEGT-R9	Support	Firstgas supports the intent of the rule.	Retain as drafted
Network Utilities			
NU01, NU02 and NU03	Support	The network utilities objectives are generally supported in terms of the outcomes they seek related to infrastructure.	Retain as drafted
NU-P1, NU-P2, NU-P3, NU-P7, NU-P8, NU-P9, NU-P10, NU-P11, NU-P12, NU-P13, NU-P14, NU-P15, NU-P16, NU-P17, NU-P19	Support	The network utilities policies are generally supported in terms of the outcomes they seek related to infrastructure.	Retain as drafted.
NU-R3, NU-R4, NU-R5, NU-R6, NU-R7, NU-R12, NU-R15, NU-R16, NU-R17, NU-R18, NU-R20, NU-R23, NU-R33	Support	Firstgas support the rules which allow for the operation, maintenance, upgrading and development of network utilities. This is consistent with the outcomes sought related to infrastructure.	Retain as drafted.
NU-R14	Support with amendment	Firstgas supports this rule in principle which provides for new underground network utilities, including any gas pipeline no greater than 2,000 kilopascals, as a permitted activity.	Retain intent with minor amendment: PER activities must: 1. Comply with all the provisions in NU - Table 2; and

Proposed Plan Provision	Support/Oppose/ Amend/Add	Reasons	Relief Sought
		Firstgas seek that that pipelines in excess of 2,000kpa are also enabled as a permitted activity subject to meeting standards (i.e. Table 2). There is negligible difference and effects of the construction of a low or high pressure pipeline.	2. Not exceed 2,000 kilopascals for any gas pipeline. Or similar relief to achieve this submission.
Hazards and Risks			
NH-R6	Support	Firstgas supports the rule to allow for permitted earthworks for the establishment of, or addition to, a building, and acknowledges that the relevant setback requirements for the established activities, and general earthwork standards, will still apply.	Retain as drafted.
Subdivision			
SUB-010	Support	Firstgas support the objective which seeks to protect the regionally significant infrastructure from adverse effects of subdivision.	Retain as drafted.
SUB-P3	Support	Firstgas support the policy which seeks to protect the regionally significant infrastructure from adverse effects of subdivision.	Retain as drafted.
SUB-P31	Support	Firstgas support the policy which seeks to protect the regionally significant infrastructure from adverse effects of subdivision.	Retain as drafted.
SUB-P32	Support	Firstgas support the policy which seeks to protect the regionally significant infrastructure from adverse effects of subdivision.	Retain as drafted.
SUB-R1, SUB-R2, SUB-R4, SUB-R7.1 to R7.19,	Support	Firstgas support the subdivision rules which are consistent with the outcomes sought related to infrastructure.	Retain as drafted.
SUB-R10.	Support	Firstgas supports the intent of the rule.	Retain as drafted
Part 3 – Area-Specific Matters			
General Rural Zone			
GRUZ-O15	Support	Firstgas supports the objective which seeks to manage potential adverse effects on infrastructure from certain activities.	Retain as drafted.
GRUZ-P4	Support	Firstgas supports the policy which seeks to manage potential adverse effects on infrastructure from certain activities.	Retain as drafted.





Proposed Plan Provision	Support/Oppose/ Amend/Add	Reasons	Relief Sought
GRUZ-R40	Support	Firstgas supports the intent of the rule.	Retain as drafted.
Natural Open Space Zone			
NOSZ-01	Support	Firstgas supports the intent of the objective.	Retain as drafted
NOSZ-P3	Support	Firstgas supports the intent of the policy.	Retain as drafted
Designations			
First Gas Limited	Support	Firstgas supports the intent of this designation.	Retain as drafted
Part 4 – Appendices and Maps			
Planning Maps			
The Gas Transmission Pipeline is not shown on the Planning Maps.	Add	<p>Firstgas seeks the inclusion of the Gas Transmission Pipeline, as well as above ground infrastructure on the planning maps. The Gas Transmission Pipeline, and above ground infrastructure is sought to be captured by the rule framework and therefore is sought to be illustrated to ensure visibility of the network for plan users.</p> <p>Co-ordinates of the Pipeline and above ground infrastructure can be provided.</p>	<p><u>Inclusion of the Gas Transmission Pipeline, as well as above ground infrastructure on the Planning Maps.</u></p> <p>Or similar relief to achieve this submission.</p>

Attachment 2: Maps of Firstgas Transmission Pipeline Corridor and Above Ground Station Sites within the Waitomo District



GIS-G0000-504-01

Legend

-  Above Ground Stations Site
-  Pipeline Corridor
-  Map_Index
-  Waitomo District Council Boundary






Legend

- Above Ground Station Site
- Transmission Pipeline Corridor
- Waitomo District Council Boundary



Legend

-  Above Ground Station Site
-  Transmission Pipeline Corridor
-  Waitomo District Council Boundary



Legend

- Above Ground Station Site
- Transmission Pipeline Corridor
- Waitomo District Council Boundary






Legend

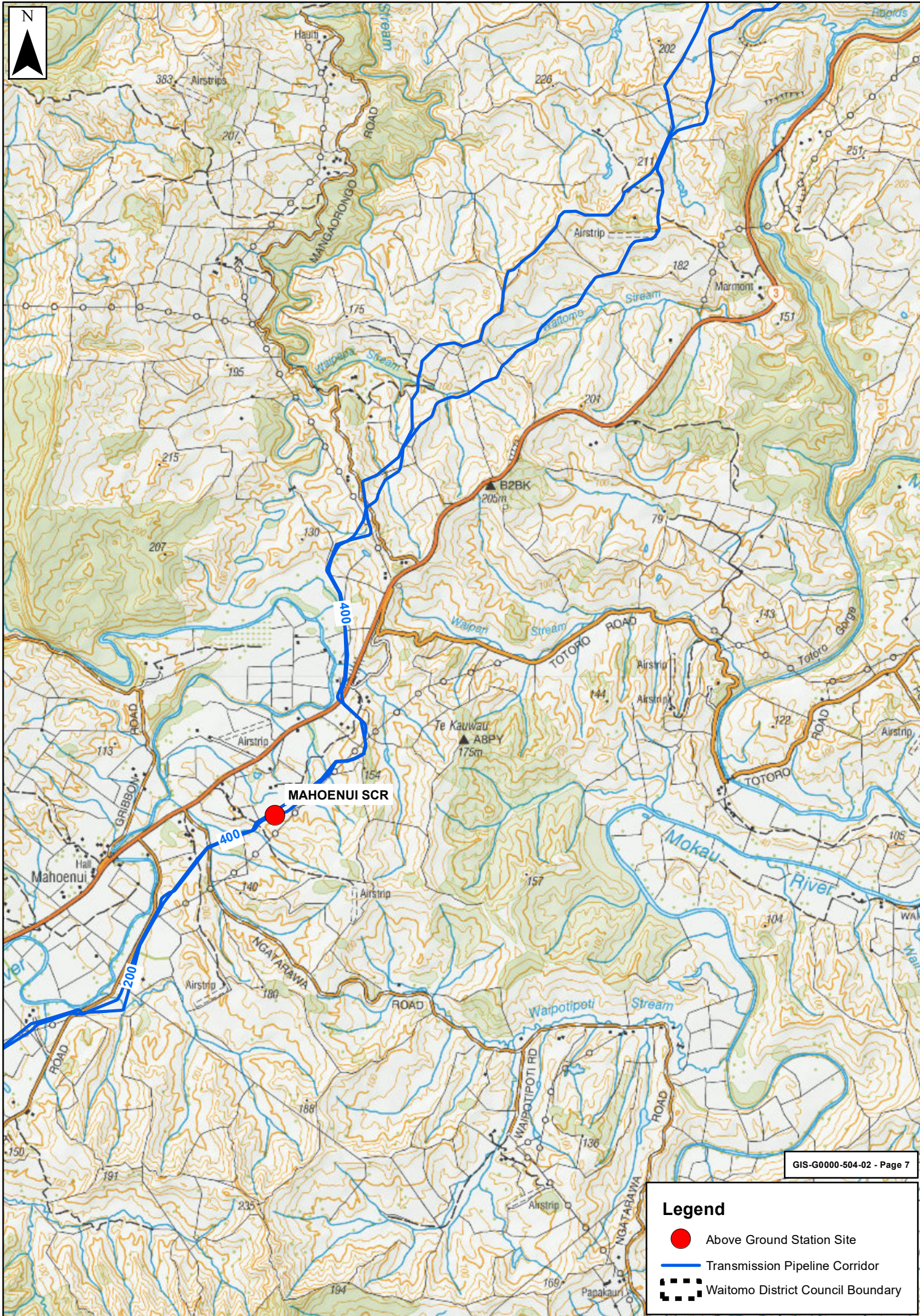
- Above Ground Station Site
- Transmission Pipeline Corridor
- Waitomo District Council Boundary








Legend

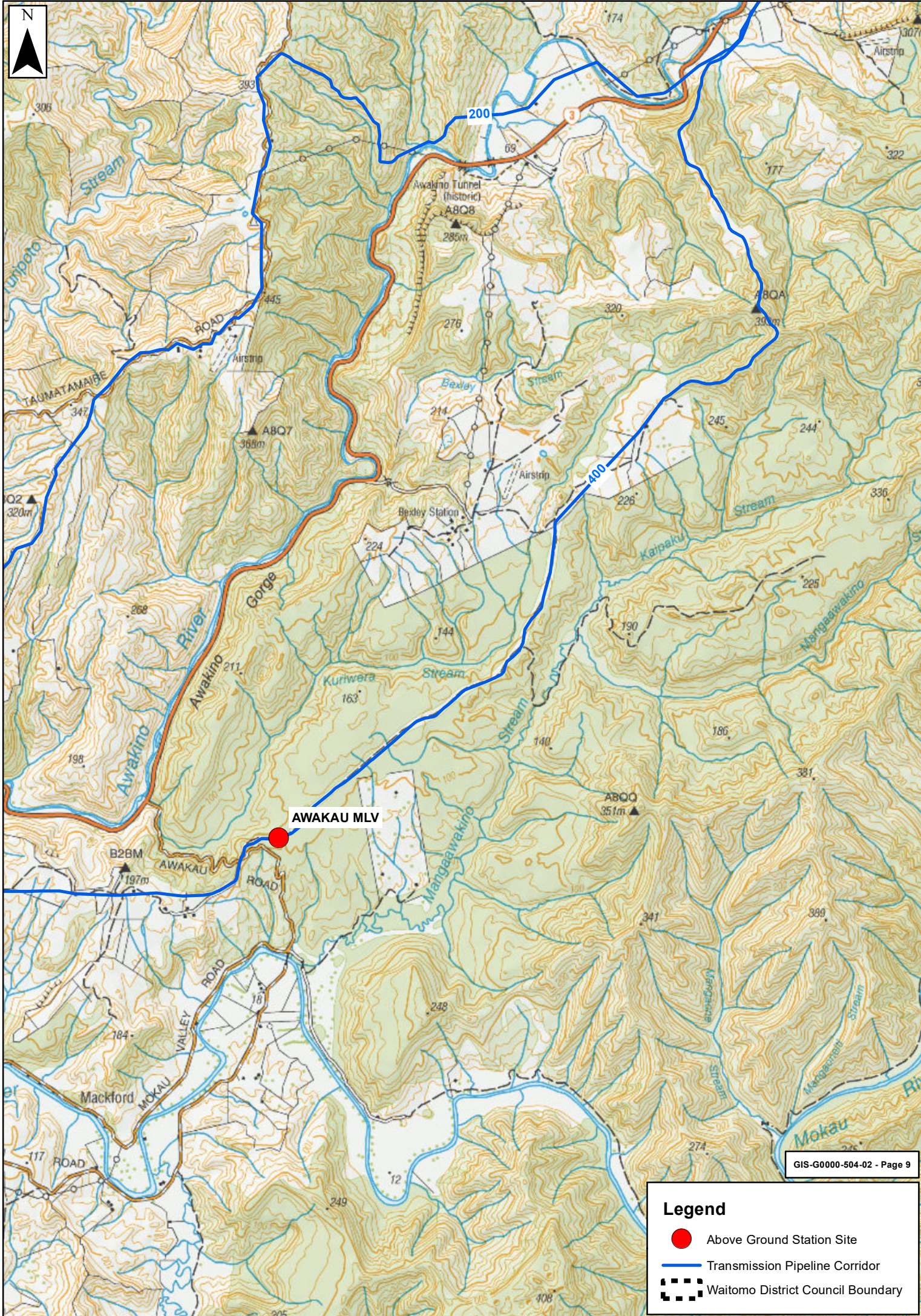
-  Above Ground Station Site
-  Transmission Pipeline Corridor
-  Waitomo District Council Boundary





Legend

-  Above Ground Station Site
-  Transmission Pipeline Corridor
-  Waitomo District Council Boundary



Legend

- Above Ground Station Site
- Transmission Pipeline Corridor
- - - Waitomo District Council Boundary