



Submission by First Gas Limited

Proposed Waikato District Plan – Variation 3

22 February 2023

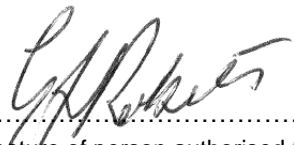
Submitter Details

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

22/02/2023
.....

Date

Title and address for service of
person making comment:

Firstgas Limited
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Attention: John McCall

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Proposed Waikato District Plan – Variation 3 Enabling Housing Supply

Firstgas Group Limited (Firstgas) welcomes the opportunity to comment on Variation 3 Enabling Housing Supply (Variation 3), which responds to the direction by central government under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (Amendment Act).

Background to Firstgas Group

Firstgas now owns and operates approximately 2500 kilometres of high-pressure gas transmission pipelines and other supporting above ground and below ground infrastructure that supply natural gas from Taranaki to residential, commercial and industrial consumers throughout North Island, including Waikato – we are the only natural gas transmission company in New Zealand. In addition, Firstgas also owns and operates more than 4,900 kilometres of gas distribution pipelines, serving approximately 66,000 consumers across motu.

In the context of the Resource Management Act 1991 (RMA), Firstgas assets and operations deliver significant benefits to Waikato and the wider North Island and enables people and communities to provide for their economic, social and cultural well-being and for their health and safety. The gas transmission network is recognised both regionally and nationally significant infrastructure – noting the inclusion within the definition of ‘nationally significant infrastructure under the National Policy Statement on Urban Development 2020 (NPSUD) - and is a ‘qualifying matter’ pursuant to the Amendment Act.

The gas transmission network is also 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*.

Firstgas interest in Variation 3 Enabling Housing Supply

Our transmission and distribution pipelines traverse the Waikato region. Within the Waikato District, Firstgas owns and operates:

- Rotowaro compressor station
- Delivery points (aboveground asset) located at Huntly (x 2), Te Rapa, Matangi, Tauwhare, Tuakau, Harrisville (x2), Ngaruawahia and Te Kowhai.

The location of Firstgas pipelines and stations is visible within our geospatial data, available for download via <https://data-firstgas.hub.arcgis.com/>

Context of our submission

Firstgas was a submitter (#945 and #1211) on the Proposed Waikato District Plan (Proposed Plan). Firstgas lodged an appeal against parts of the decision on the Waikato District Council (Council) on the Proposed Plan on 2 March 2022.

Since the decisions version of the Proposed Plan was released, Council notified Variation 3 to the Proposed Plan on 19 September 2022 – responding to section 77G of the Amendment Act. Variation 3 has an impact on the relief requested by Firstgas - proposing a 6m setback either side of the gas transmission pipeline on the basis that it matches the dimensions of the existing Firstgas access easement – as it recognised the setback as a qualifying matter for development in the Medium Density Residential 2 Zone. It was noted by the Council during the appeal process that

Firstgas had not made a submission on Variation 3 requesting the same setbacks from the gas network as contained in its appeal.

Therefore, it was recommended that Firstgas prepare and file a late submission on Variation 3 to capture the relief sought through its initial submission and ensure adequate scope for this issue – noting this issue is better dealt through the Variation 3 process noting this process relates to the residential zones of the Waikato District.

Focus of our submission

This submission seeks to ensure that residential intensification occurs in a manner that enables Firstgas, as an infrastructure provider, to continue to safely operate, maintain, upgrade, develop, protect, relocate and / or remove its assets and operations in a timely and safe manner. This includes ensuring that an adequate separation is provided between appropriate residential development and Firstgas pipelines and assets, and that inappropriate development does not occur within proximity to high-pressure pipelines and stations.

In making this submission, specific sections of Variation 3 have been discussed in detail with the lens of enabling Firstgas to continue its role in the future of New Zealand, including within the transition to renewable gases such as green hydrogen and / or biogas.

General Submission

The primary focus in Firstgas operations is safety – safety of people, communities and the pipeline. The greatest risk to pipelines is through damage by third parties, most commonly occurring through the land disturbance and use of excavation and thrust boring equipment.

Increased residential intensification – as proposed through Variation 3 – within proximity to Firstgas pipelines and assets increases these risks to the pipeline, and increase the population exposed to risk, should an event occur.

It is with this safety consideration that Firstgas supports the recognition of gas transmission lines as a qualifying matter¹ through Variation 3 – ensuring residential activities are separated from Firstgas pipelines, assets and operations.

However, while Variation 3 proposes a minimum setback distance of 6m from the centre of a gas transmission line², Firstgas seeks a minimum pipeline corridor of 20 metres to provide adequate separation between residential development and high-pressure pipelines.

In addition to safety considerations is the potential for reverse sensitivity effects resulting from increased residential intensification within proximity to the gas pipelines – potentially making accessing our assets for maintenance, upgrade and operational requirements more challenging. It is acknowledged that Variation 3 proposes to include “potential for reverse sensitivity effects”³ as a matter of discretion regarding building setbacks.

Specific Submission

Firstgas seeks decisions on Variation 3 as sought in the attached **Schedule One**, and any consequential relief required to achieve the relief sought. Note that the relief sought is carried over

¹ Section 771(e) Matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.

² MRZ2-S14 *Building setback – sensitive land use*

³ MRZ2-S14(2)(e)

from the original submission (#945) by Firstgas on the Proposed Plan – as discussed with Council during the appeal process - albeit with updated references to the new provisions / format / numbering brought about through Variation 3. In summary, the outcomes sought through this submission replicate those sought through its original submission (#945).

Schedule One: Detailed Submission by Firstgas Ltd

The following table sets out the decisions sought by Firstgas Limited (Firstgas), including specific amendments to provisions of Variation 3 – Enabling Housing Supply to the Proposed Waikato District Plan. These amendments are shown as underline (for new text sought) and ~~striketrough~~ (for deletion).

Proposed Plan Provision	Support/Oppose/ Amend/Add	Reasons	Relief Sought
Part 3 – Area Specific Matters / Zones / Residential zones			
MRZ2 – Medium density residential zone			
MRZ2-S14(1) Building setback – sensitive land use	Support in part	<p>Firstgas supports the inclusion of a minimum setback requirement from the centre of a gas transmission line, as proposed.</p> <p>However, Firstgas seeks to increase the setback distance from 6m to 20m as well as including additional setback requirements to protect the gas network inclusive of delivery points.</p>	<p>Firstgas seek to amend MRZ2-S14(1) to include the following additional setback minimums, as follows:</p> <p><i>(1) Activity status: PER</i></p> <p><i>Where:</i></p> <p><i>(a) Any new building or alteration to an existing building for a sensitive land use shall be set back a minimum of:</i></p> <p><i>(i) 5m from the designated boundary of the railway corridor;</i></p> <p><i>(ii) 5m from the boundary of a national route or regional arterial;</i></p> <p><i>(iii) 25m from the designated boundary of the Waikato Expressway;</i></p> <p><i>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site;</i></p> <p><i>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</i></p> <p><i>(vi) 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great Sought Road, Ngaaruawaahia.</i></p>

Proposed Plan Provision	Support/Oppose/ Amend/Add	Reasons	Relief Sought
			<p>(vii) <u>620m</u> from the centre of a gas transmission line identified on the planning maps; <u>and</u></p> <p>(viii) <u>60m from the gas network (other than a gas transmission pipeline)</u></p>
MRZ2-S14(2) Building setback – sensitive land use	Support in part	<p>Firstgas supports the inclusion of ‘potential for reverse sensitive effects’ as a matter of discretion, as proposed.</p> <p>However, Firstgas seeks to include an additional matter over which Council’s discretion shall be limited under MRZ2-S14(2) to ensure the safety of the gas network.</p>	<p>Firstgas seek to add an additional matter over which Council’s discretion is limited to MDRZ2-S14(2), as follows:</p> <p>(2) <i>Activity status where compliance not achieved: RDIS</i> <i>Council’s discretion is restricted to the following matters:</i></p> <ul style="list-style-type: none"> (a) <i>Road network safety and efficiency;</i> (b) <i>On-site amenity values</i> (c) <i>Odour, dust and noise levels received at the notional boundary of the building;</i> (d) <i>Mitigation measures; and</i> (e) <i>Potential for reverse sensitivity effect; and</i> (f) <u><i>The extent to which the development will avoid or mitigate conflict with the gas network.</i></u>