

Before the New Plymouth District Council Independent Hearing
Commissioners

Under

the Resource Management Act 1991

In the matter of

a submission by First Gas Limited on the Proposed Private
Plan Change 48: Wairau Road, Oakura Rezoning requested
by Oakura Farm Park Limited

By

First Gas Limited

Submitter

Primary Statement of evidence (planning) of **Erin Bridget Whooley** on behalf
of First Gas Limited (Submitter Reference 130)

Dated: 5 July 2019
Hearing Appearance Date: 24 July 2019

STATEMENT OF EVIDENCE OF ERIN BRIDGET WHOOLEY ON BEHALF OF FIRST GAS LIMITED

EXECUTIVE SUMMARY

- 1 The Proposed Plan Change seeks to rezone approximately 58ha of land on the southern side of Oakura from Rural Environment (with part Residential Future Urban Development Overlay) to a mix of residential, business, open space and rural lifestyle. The Plan Change includes a Structure Plan and new provisions to manage subdivision and development which it is proposed to complete in stages.
- 2 The site contains and is located adjacent to infrastructure owned by First Gas, OMV and Liquigas including high pressure gas and liquid petroleum pipelines ('the pipeline corridor') and the Oakura Delivery Point. The pipeline corridor traverses three separate rural lifestyle lots one of which indicatively includes an equestrian arena.
- 3 The Regional Policy Statement for Taranaki 2010 recognises this infrastructure as being of regional if not national significance. The RPS recognises the considerable importance of this infrastructure in supporting human settlements and enabling people and communities to meet their social, economic and cultural needs.
- 4 The Proposed Plan Change must ensure consistency with the operative District Plan's direction and framework and must give effect to the Regional Policy Statement for Taranaki 2010. In order for the Proposed Plan Change to achieve this, in my view amendments are required to the planning map, associated rules, objectives and policies to address those matters raised within First Gas, OMV and Liquigas' original submission.
- 5 In summary, the key points raised in my evidence will:
 - 5.1 Acknowledge the importance and significance (nationally and regionally) of the gas and petroleum pipelines, ancillary infrastructure and activities that form part of that network in its entirety;
 - 5.2 Identify the need for provisions within the Private Plan Change that protect and provide for existing infrastructure within and adjoining the site owned by OMV, First Gas and Liquigas. This infrastructure includes gas transmission, petroleum pipelines and the Oakura delivery point located within adjoining allotment Lot 1 DP 17721.
 - 5.3 Address the need for provisions that, not only recognise, but also enable and protect the safe and efficient operation, maintenance, upgrading and development of existing gas infrastructure. This infrastructure includes high pressure natural gas, petroleum and liquid petroleum gas (LPG) pipelines.

QUALIFICATIONS AND EXPERIENCE

- 6 My name is Erin Whooley and I am a Senior Planner, in the firm of Beca Limited.
- 7 I hold a Bachelor of Resource and Environmental Planning (honours) from Massey University, obtained in 2008. I am an intermediate member of the New Zealand Planning Institute.
- 8 I have over nine year's professional experience in planning and resource management. During that period, I have undertaken a range of planning projects, particularly relating to resource consenting of major infrastructure and public notification processes in Wellington and Auckland.
- 9 I have assisted First Gas Limited ('First Gas') with a number of Resource Management Act related matters, including the preparation of resource consents, the preparation of submissions on plans and the preparation and presentation of evidence at hearings.
- 10 I have been engaged by First Gas to prepare and present this planning evidence in relation to the Proposed Plan Change for Wairau Road.
- 11 I did not write the First Gas, OMV and Liquigas submission, but am familiar with it.

CODE OF CONDUCT

- 12 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in my brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 13 My evidence will discuss the following topics:
- 13.1 A general overview of the RMA and planning framework in relation to the Proposed Plan Change and of particular relevance to the submission by First Gas, OMV and Liquigas;
- 13.2 A specific discussion on key themes, being:
- a) Protecting First Gas' regionally (and nationally) significant assets from others land use activities including subdivision;
 - b) Enabling First Gas' regionally (and nationally) significant assets to be safely, efficiently and effectively operated, maintained, upgraded and developed;

- c) Consistency of the Proposed Plan Change with the Operative District Plan's direction and framework and the Regional Policy Statement;

13.3 The Council's s42A report does not specifically refer to or address any of the points raised in First Gas', OMV and Liquigas' submission.

- 14 As the matters raised in First Gas' submission have not been addressed within the Council officers report or applicant's evidence, I have recommended provisions in the body of my evidence that I consider are appropriate for inclusion in the Proposed Plan Change.
- 15 **Ms Nicola Hine**, Land and Planning Advisor for First Gas, will appear at the hearing and will be available to respond to Hearing Panel questions relating to First Gas activities and operation in the Taranaki region.
- 16 The current operative District Plan does not provide specific protection provisions for infrastructure pipelines. First Gas are aware that the New Plymouth District Council District Plan will start to be reviewed soon. First Gas will likely seek clear identification and protection provisions for pipelines as regionally significant infrastructure – which is consistent with the changes sought in this plan change.

FIRST GAS ASSETS WITHIN EXTENT OF PROPOSED PLAN CHANGE

- 17 First Gas, OMV and Liquigas have high pressure gas and liquid petroleum pipelines within the Proposed Plan Change Area. The pipeline corridor traverses land on the eastern edge of the site subject to the Proposed Plan Change, within Stage 14 of the Concept Plan, and three separate rural lifestyle lots, one of which indicatively shows an equestrian arena. Immediately adjoining the eastern-most rural lifestyle allotment along Wairau Road is the Oakura Delivery Point owned and operated by First Gas (refer attached figure 1).

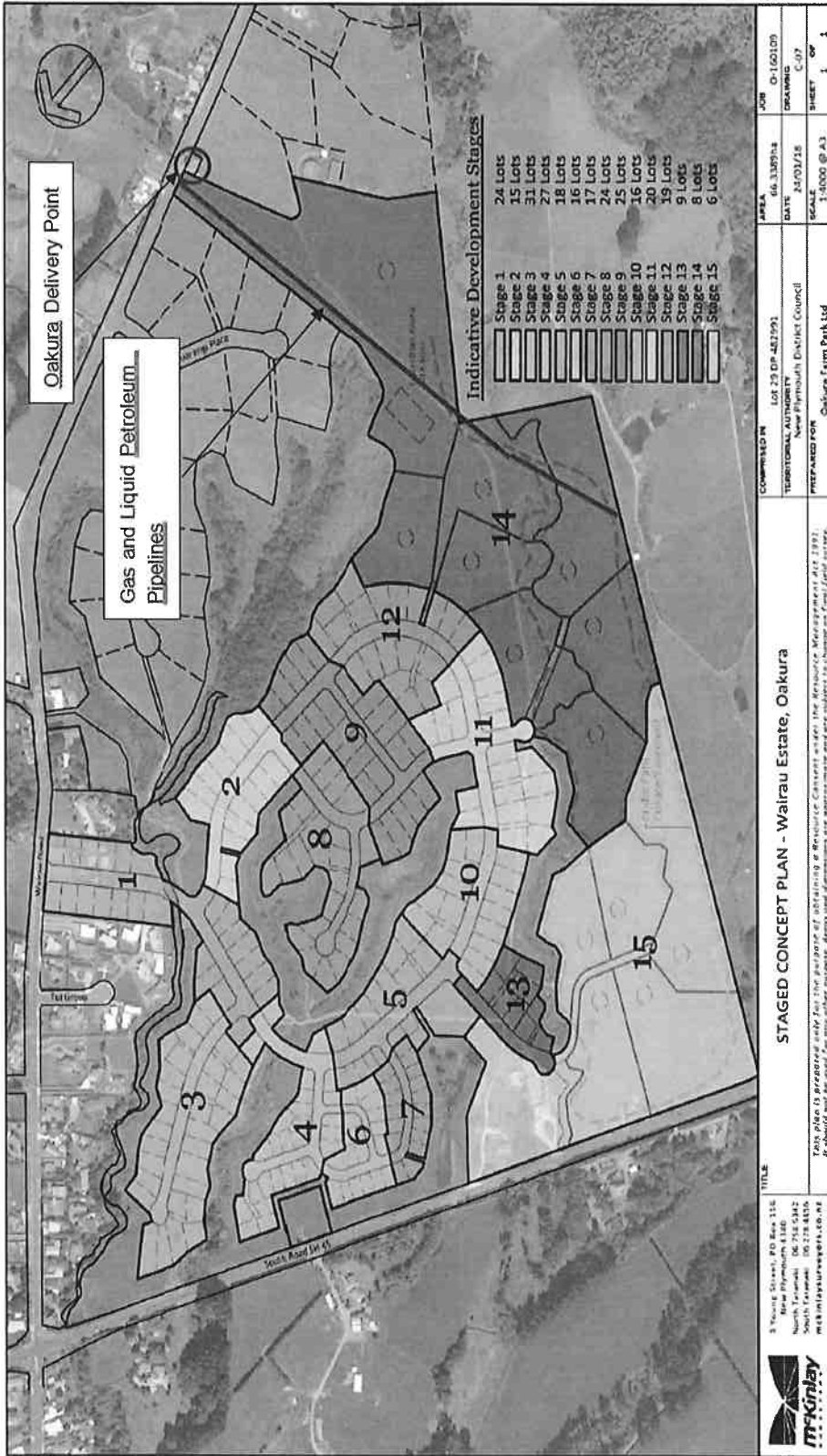


Figure 1: First Gas Assets (Imposed on Staged Concept Plan)

OVERVIEW OF THE PLANNING FRAMEWORK

IMPORTANCE OF OBJECTIVES AND POLICIES

- 18 I consider that in order to give effect to the Taranaki Regional Policy Statement, changes are needed to the Plan Change to ensure the protection of existing gas and liquid petroleum infrastructure of regional (and national) significance and not restrict or compromise its ongoing operation, maintenance and upgrade (including access).

TARANAKI REGIONAL POLICY STATEMENT

- 19 The hierarchy of planning documents under the RMA require that the development of any plan must 'give effect' to any relevant National Policy Statements (*NPS*) or National Environmental Standards (*NES*). The Regional Policy Statement (*RPS*) must be given effect to by the 'lower plans' i.e. the Regional Plan, Regional Coastal Plan and District Plan.
- 20 The Taranaki RPS 2010 identifies the regionally significant issues around the management of regional resources. It sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods).
- 21 The original submission sought to ensure that the Proposed Plan Change is consistent with the operative District Plans direction and framework and the Regional Policy Statement. The key provisions identified within the Regional Policy Statement for Taranaki 2010 are:
- 22 INF Objective 1 seeks to provide for the continued safe and efficient operation of the region's network utilities and other infrastructure of regional significance (including where this is of national importance), while avoiding, remedying or mitigating adverse effects on the environment.
- 23 INF Policy 1 seeks that provision will be made for the efficient and effective establishment, operation, maintenance and upgrading of network utilities and other physical infrastructure of regional significance (including where this is of national importance) and provision for any adverse effects of their establishment to be avoided, remedied or mitigated as far as is practicable.
- 24 INF Policy 2 seeks the adverse effects of subdivision, use and development on the safety, efficiency, operation, maintenance and upgrading of the region's network utilities and on other physical infrastructure of regional significance (including where this is of national importance) will be avoided or mitigated.
- 25 INF METH 10 seeks to include in district plans appropriate provisions (including designations) for network utilities and other infrastructure of regional significance

(including where this is of national importance), and the procedures to be followed when proposing to undertake activities in proximity to these network utilities and infrastructure.

- 26 INF METH 17 seeks to take into account current infrastructure corridors in resource management decision making; avoid, remedy or mitigate any incompatible use or activity affecting those corridors and include appropriate protection and recognition of existing infrastructure corridors in district plans and on planning maps.

SUBMISSION FROM FIRST GAS

- 27 First Gas' submission neither supports nor opposes the Proposed Plan Change, and essentially sought outcomes to ensure that the Proposed Plan Change provides an appropriate framework to both protect gas and liquid petroleum assets within the physical extent of the Proposed Plan Change and enable its ongoing operation, maintenance and upgrading (including access).
- 28 Key outcomes sought in First Gas's submission were:
- (a) The gas and petroleum pipeline corridor be illustrated clearly on the concept/structure plan;
 - (b) Introduces a new Restricted Discretionary Activity Rule in the Rural Lifestyle Zone for any structures or buildings within 20m of the centreline of gas pipeline, the LPG pipelines or the Oakura Delivery Point Station with matters to be considered as follows:
 - The extent to which the building or structure, including activities facilitated by the building or structure and access arrangements, avoids or mitigates conflict with existing pipelines;
 - The ability for maintenance and inspection of gas and liquid petroleum pipelines including ensuring access to the pipelines;
 - The outcome of any consultation with the affected network utility operator(s)
 - (c) Introduces new matters to be considered in relation to subdivision in the Rural Lifestyle Zone. These matters include the following:
 - The extent to which the subdivision design avoids or mitigates conflict with existing gas and liquid petroleum pipelines, including access;
 - the identification of building platforms;

- The ability for maintenance and inspection of gas and liquid petroleum pipelines, including ensuing access to the pipelines.
- (d) Clarification if direct access off Wairau Road is proposed to the eastern most rural lifestyle lot containing the equestrian area.
- 29 My evidence focuses on those submission outcomes above which have not been addressed in either the Planners Report nor the applications evidence.

KEY THEMES AND RECOMMENDATIONS

STRUCTURE PLAN

Planning Map

- 30 First Gas' submission sought that the gas infrastructure be clearly illustrated on the concept plan for the benefit of plan users, future purchasers of the affected sites and decision-makers. This has not been clearly addressed in either the planners report or the applicant's evidence, however, the plan titled 'Equestrian Linkages - Wairau Estate, Oakura with SH45 Access' (prepared by McKinlay Surveyors, dated 10/05/2019) does show the pipeline location and a notation "20m setback from nearest petroleum pipeline".
- 31 Showing the pipeline corridor on all planning maps would ensure all information relating to the gas infrastructure is certain and clear. This would help to achieve simpler Plan interpretation and increase certainty in interpretation.

RURAL LIFESTYLE ZONE

- 32 If the zoning were to be retained as currently proposed being Rural Lifestyle Zone, First Gas seeks (as outlined in the original submission) the following amendments to protect their assets from reverse sensitivity effects.

Structure and Buildings Setback

- 33 The submission sought that where land is zoned as Rural Lifestyle, a new Restricted Discretionary Activity Rule be implemented for structures and buildings within 20m of the centreline of the pipeline corridor or the Oakura Delivery Point Station.
- 34 I believe this is necessary to ensure that the gas network is protected and enabled. Further pipeline protection may be required to allow First Gas, OMV and Liquigas to consider the implications of the buildings or structures as well as the associated activities

they would accommodate. These matters have not been addressed in either the Planners report or applicant's evidence.

Subdivision

- 35 The submission sought to ensure the gas and liquid petroleum pipelines are both protected and enabled, new matters in relation to subdivision need to be considered. These include matters in relation to subdivision design, the identification of building platforms, the ability for maintenance and inspection of infrastructure including access, consent notices on titles to ensure compliance and the outcome of any consultation with the affected network utility operator(s).

ACCESS

- 36 The submission sought confirmation of access to the eastern-most rural lifestyle lot to enable First Gas to determine actual and potential effects on First Gas, OMV and Liquigas assets including the gas and petroleum pipelines and Oakura Delivery Point Station. The applicant has not provided confirmation of intended access to this eastern lot which could potentially have a significant impact on existing pipelines should the Plan Change result in an increase in heavy vehicles movements to the site (i.e. horse floats). Clarity on this issue is sought.

CONCLUSIONS

- 37 Addressing the matters raised in the original submission are necessary to ensure that First Gas, OMV and Liquigas's assets are protected from reverse sensitivity effects associated with the Proposed Plan Change.
- 38 The Proposed Plan Change must ensure consistency with the Operative District Plan's direction and framework and must give effect to the Regional Policy Statement for Taranaki 2010.
- 39 Clear illustration of the pipeline corridor on the planning maps is necessary to help to protect First Gas' rights as an affected party under the RMA.
- 40 The structure and building setback and the recommended matters for consideration in regard to subdivision in the Rural Lifestyle Zone are necessary to ensure that the pipeline corridor is both protected and enabled. This will allow First Gas to consider the implications of such activities on the gas network.
- 41 Clarification on whether there will be direct access from Wairau Road to the eastern-most rural lifestyle is necessary to enable First Gas to determine actual and potential effects on their assets.

- 42 The provisions recommended in my evidence will, in my opinion, help to ensure that First Gas' assets are both protected and enabled.

Clarification Sought

- 42.1 Clarification if direct access off Wairau Road is proposed to the eastern most rural lifestyle lot containing the equestrian area.

Relief Sought

- 42.2 The gas and petroleum pipeline corridor be illustrated clearly on the concept/structure plan;

- 42.3 New rule for the Rural Lifestyle Rules – Structures – Buildings:

Any structure or building within 20m of the centreline of a gas pipeline, the LPG pipelines or the Oakura Delivery Point Station (Legal Description: Lot 1 DP 11721 BLK II Wairau DS).

Matters to be considered:

- 1) The extent to which the building or structure, including activities facilitated by the building or structure and access arrangements, avoids or mitigates conflict with existing pipelines.
- 2) The ability for maintenance and inspection of gas and liquid petroleum pipelines including ensuring access to the pipelines.
- 3) The outcome of any consultation with the affected network utility operator(s)

- 42.4 New matters to be considered for the Rural Lifestyle Rule 110 – Subdivision:

- 1) The extent to which the subdivision design avoids or mitigates conflict with existing gas and liquid petroleum pipelines, including access
- 2) The identification of building platforms
- 3) The ability for maintenance of gas and liquid petroleum pipelines, including ensuring access to the pipelines

Erin Bridget Whooley

5 July 2019