

**BEFORE THE INDEPENDENT HEARINGS PANEL
APPOINTED BY HUTT CITY COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of the Proposed Lower Hutt District Plan

STATEMENT OF EVIDENCE OF BERNARD GAVIN WARMINGTON
for Clarus Limited (Submitter Number 474)

Hearing Stream 6:
SD – Strategic Direction – Infrastructure
INF - Infrastructure Chapter
PINF - Protection of Infrastructure Chapter

Dated: 7 September 2026

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EXPERIENCE

1. My full name is Bernard Gavin Warmington.
2. I have a Bachelor of Agricultural Science (hons) from Lincoln University, and a Master of Science in Resource Management (hons) from Lincoln University. I am a Full Member of the New Zealand Planning Institute and hold the Project Management Professional (PMP) qualification of the Project Management Institute.
3. I am a Principal Planning Consultant at Align Limited in Lower Hutt. I have held this and similar roles at Align for five years. I have practiced in policy and planning for over 30 years working in central government, local government and consultancy in New Zealand and consultancy overseas. This has included work on development masterplanning, residential development, commercial development, energy infrastructure, water infrastructure, roads and rail and other sectors.

INVOLVEMENT IN CLARUS'S SUBMISSION

4. I prepared Clarus's submission on the Proposed Lower Hutt District Plan (submission 474). I have subsequently reviewed the section 42A officer's report for Hearing Stream 6: Infrastructure and the recommendations relevant to Clarus.
5. Unless otherwise specified, all statements in this evidence are my own opinion. This statement of evidence is provided to the Panel as written evidence only.

CODE OF CONDUCT

6. Although these proceedings are not before the Environment Court, I have read, understood, and have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023. This evidence has been prepared in accordance with this Practice Note and I agree to comply with it. Except where I state that I am relying on the evidence of another person, I confirm that this evidence is 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 in this evidence.

MATERIAL CONSIDERED

7. In preparing this evidence I have considered the following material:
 - Clarus's submission 474 on the Proposed Lower Hutt District Plan;
 - Other submissions where relevant;
 - Hutt City Council Section 42A Officer's Report - Hearing Stream 6: Infrastructure, dated 24 August 2026, including the recommended amendments;
 - The relevant provisions of the Proposed Lower Hutt District Plan;

- The National Policy Statement for Infrastructure 2025.

BACKGROUND INFORMATION ABOUT CLARUS

8. This section of my evidence relies on advice from Pam Unkovich, Senior Planner at Clarus.
9. Clarus is one of New Zealand's largest energy groups, providing services in transmission, distribution, supply and storage of energy. The companies within the Clarus group service over half a million homes and businesses of all sizes around New Zealand.
10. Firstgas connects natural gas to homes, businesses and large industry. Across the North Island Firstgas own more than 2,500km of high-pressure gas transmission pipelines and 4,8000km of gas distribution networks. These networks connect over 300,000 homes and businesses to gas.
11. Clarus's other companies are Rockgas which is one of New Zealand's largest LPG retailers; and Flexgas which owns and operates an underground gas storage facility in Taranaki.

SIGNIFICANCE OF GAS INFRASTRUCTURE

12. National direction in the form of the National Policy Statement for Infrastructure 2025 provides clear direction to Councils to enable infrastructure. Importantly, this was gazetted in December 2025 and came into force in January 2026, after submissions closed on the Proposed District Plan. The Proposed District Plan is now required to give effect to the NPS. This is noted in the s42A report (page 11). In particular, ***Policy 2: Operational need or functional need of infrastructure to be in particular locations and environments*** requires:

(1) Decision-makers must recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments.

(2) Decision-makers must recognise that the operational need or functional need of infrastructure includes, but is not limited to, the need to:...

(b) operate effectively and efficiently as linear and/or interconnected infrastructure networks within and across district and regional boundaries;...

(e) locate where the services are required, including in areas at risk to natural hazards, whether the infrastructure has been spatially identified in advance...

13. The Proposed District Plan and subsequent s42A report appears, whether intentionally or otherwise, to seek to discourage the use of natural gas and other fossil fuels and encourage the use of electricity. For example, the activity status of gas infrastructure sometimes is less enabling than for the equivalent electrical infrastructure. While favouring electricity may

be an overall policy intention for Hutt City Council beyond the District Plan process it is not appropriate to include this in the District Plan without a clear justification in terms of the effects within the Council's scope to manage under the RMA through this process. While the long-term direction of the energy sector is towards increased use of renewable energy, gas and liquid fossil fuels are anticipated to remain necessary for some time as part of a managed transition. In particular, they provide operational flexibility and contribute to security of energy supply by supporting demand during periods when renewable energy generation is intermittent, constrained, or otherwise unavailable. Their continued availability therefore assists in ensuring the resilience and reliability of the energy system.

14. In my view, it is not the role of a District Plan to favour one energy source over another. Such matters are more appropriately addressed through national policy. The purpose of a District Plan is to manage resource management effects, including environmental effects, hazards, and public safety risks. This distinction is relevant to several of the proposed provisions considered in this evidence.

SCOPE OF EVIDENCE

15. Clarus supports the Proposed District Plan's overall approach to infrastructure and the s42A report regarding the Strategic Direction, Infrastructure and Protection of Infrastructure Chapters. In general, these provide a good balance between recognising the importance of infrastructure and its benefits and the sometimes limited options for its location and operation, together with the need to protect the environment and sensitive receptors. It is noted that many of the s42A report recommendations accept or otherwise reinforce the intent of Clarus's submissions. This evidence highlights some key provisions and recommendations, in particular where Clarus disagrees with recommendations.
16. The s42A report rejects all of Clarus's submissions on the Renewable Electricity Generation chapter. These requested that the chapter be expanded to support other forms of renewable energy rather than just electricity. While this view has not changed it is accepted that the Clarus submission did not provide a s32AA assessment of the proposed expansion of the chapter and it may be out of scope for the Panel to consider. I make no further comment in my evidence on this chapter.
17. Where no statement has been made in my evidence on a submission point, Clarus accepts the s42A recommendations.

STRATEGIC DIRECTION – OBJECTIVES AND POLICIES

INFSD-O3 National and Regional Significance

18. Clarus supported this objective and requested (submission 474.11) the addition of 'including extensions of existing and establishment of new infrastructure of national and regional significance.'

19. Clarus notes that this was not accepted by the s42A report. Clarus has no objection to the proposed changes to Objective INF-SD03. After regionally significant infrastructure is established (including extensions of existing infrastructure) it will by default be supported by this Objective.

Relief sought

20. Retain INF-SD03 as proposed in the s42A report Appendix 2.

INFSD-07 and INFSD-08

21. The proposed addition of the new objectives INFSD-07 for Mineral Resources and Quarrying Activities and INFSD-08 for Electricity Networks at the request of the quarrying companies and Transpower could raise the priority of certain infrastructure over other infrastructure that do not have their own objectives. This seems unnecessary and it would be better to have overarching protection for all regionally significant infrastructure as the s42A report proposes in other parts of the chapter. Other critical infrastructure could easily be identified for policy support such as fuels, telecommunications, flood protection or defence infrastructure. I note that the NPS Infrastructure 2025 supports a wide range of infrastructure.
22. If this more specific approach is to be taken Clarus requests that 'and gas and liquid fuel networks' is added to INF-SD08 in the header and text to provide consistent treatment of critical infrastructure.

Relief sought

23. Either add the following text to INF-SD08:

INFSD-08 Electricity Networks and Gas and Liquid Fuel Networks: The national significance of ~~the electricity~~ energy transmission network and ~~electricity~~ distribution networks is recognised, and sustainable, secure and efficient ~~electricity~~ energy is provided through and within the city.

24. Alternatively, add an equivalent Objective specific to gas and liquid fuel networks:

INFSD-09 Gas and Liquid Fuel Networks: The national significance of gas and liquid fuel transmission and distribution networks is recognised, and sustainable, secure and efficient energy is provided through and within the city.

INFRASTRUCTURE – OBJECTIVES AND POLICIES

INF-P1 Recognise benefits of infrastructure

25. INF-P1 again has some bias towards electricity with this being specifically highlighted where other energy sources are not. Clarus submitted (submission 474.16) that 'and gas and

liquid fuels' be added to point 7. This was not accepted in the s42A report, however Clarus's position has not changed.

Relief sought

26. Alter INF-P1(7) to:

7. Enabling the effective, safe, secure and efficient transmission of ~~electricity~~ energy.

INF-P4 Technological advances

27. Clarus requested the following addition to point 3:

3. Facilitate a transition to renewable electricity and other renewable energy sources

28. The s42A report proposes the text as: '...and other energy sources which are renewable and have low emissions.' The reference to 'low emissions' goes further than the submission requested and it was not requested by other submitters.

Relief sought

29. Clarus requests that the words 'and have low emissions' are deleted from INF-P4.

INF-P9 Upgrading and developing infrastructure in natural hazard overlays

30. Clarus supported INF-P9 (submission 474.22). Gas transmission infrastructure often needs to transit across areas where natural hazards are present. It is designed accordingly.

31. The s42A report recommends addition to point 2 of 'do not impede the conveyancing of floodwaters'. I understand that this means that this means there may be some diversion of floodwaters as long as the overall flow is not impeded and there are no diversion effects on adjacent properties. If this is the intention then Clarus supports the revised wording.

Relief sought

32. Retain the current form of INF-P9 proposed in the s42A report.

INF-R15 Upgrading of gas transmission pipelines

33. Clarus requested (submission 474.27) the inclusion of 'ancillary equipment, structures and buildings' in the rule name and supports the s42A report's proposal to include these words. The gas transmission pipeline includes limited but essential additional structures and equipment that enable it to operate and may need upgrading on occasion.

34. Clarus supported rule INF-R15 overall (submission 474.26), where upgrades were generally permitted subject to compliance with standards, but opposed the classification of upgrades in some overlays as a non-complying activity. Those overlays and therefore those rules

have been deleted through the 'Plan Stop' / restart process, which has addressed those concerns.

35. Clarus agrees with s42A report proposal to remove the RDIS status for upgrades in active street frontage and natural hazards overlays, with these now proposed as PER subject to compliance with standards and RDIS if the standards are not complied with.

Relief sought

36. Retain INF-R15 in the form proposed in the s42A report Appendix 2

INF-R16 New gas transmission pipelines

37. While the Clarus submission (submission 474.28) requested restricted discretionary status for all new gas transmission pipelines outside of the high natural hazard overlays, a discretionary status in all areas would be acceptable.

38. Clarus's submission opposed the classification of new gas transmission pipelines in the High Natural Hazard overlay as a non-complying activity. In the PDP Definitions, ***'high natural hazard overlay means any of the:***

- *High Flood Hazard Overlay*
- *High Tsunami Hazard Overlay*
- *High Coastal Inundation Hazard Overlay*
- *Fault Location Area* '

39. Please refer to the map of the combined High Natural Hazards overlays in **Attachment A** to this evidence statement. This rule as currently drafted would be triggered in quite a large area of the District. While the existing transmission pipeline is in a relatively defined location which is not subject to these overlays, any new pipeline would be very hard to establish without crossing one or more High Natural Hazard overlays. It would also be impossible to build a pipeline west to east across the valley without crossing the Fault Location Area overlay.

40. Gas transmission pipelines are already subject to stringent technical and safety regulation, including compliance with NZS/AS 2885 and ASME B31.8, which require consideration of the environmental and hazard context in which a pipeline is located. In my opinion, this reduces the justification for a blanket Non-Complying Activity status for new pipelines. A Discretionary Activity status would provide an appropriate level of scrutiny of resource management effects while avoiding unnecessary regulatory barriers to infrastructure that is subject to comprehensive technical regulation elsewhere.

41. In my opinion, there are no effects associated with new gas pipelines within natural hazard overlays that could not be appropriately assessed under a Discretionary Activity framework.

A Non-Complying Activity status would impose an unnecessarily high consenting threshold and could constrain the future development of infrastructure necessary to maintain energy security and network resilience.

42. The presence of a flood hazard overlay does not necessarily indicate that a buried pipeline will increase natural hazard risk. Potential effects can generally be avoided or mitigated through appropriate design and construction measures, including management of scour, erosion, exposure, and flood conveyance.
43. I am also concerned that Policy INF-P9, as recommended in the section 42A report, requires any increase in natural hazard risk to be avoided, with no apparent recognition of mitigation. In conjunction with a Non-Complying Activity status, this creates a significant section 104D hurdle and may effectively preclude pipelines from crossing high natural hazard overlays, regardless of whether risks can be appropriately managed through design. Given the linear nature of pipeline infrastructure, such an outcome would be impractical and, in my view, inconsistent with the direction of the National Policy Statement for Infrastructure 2025.
44. I note that in Rule INF-R18 there is no non-complying status proposed for new electricity transmission lines over 110kV. The s42A report recommends that all such new lines are a discretionary activity. Clarus requests that new gas transmission pipelines benefit from the same treatment.

Relief sought

45. That INF-R16 be amended to state that new gas transmission pipelines are a Discretionary Activity in all zones.

INF-S2 Upgrading of infrastructure

46. Clarus accepts the clarification to INF-S2 Upgrading of infrastructure, relating to the names of Flood Hazard Areas, proposed by HCC Policy Planning Team. Clarus submitted in support of the original standard.

PINF — Protection of Infrastructure

47. Clarus supports the overall intent of this chapter. Clarus submitted (474.43) that this chapter should be broader to cover additional infrastructure types. As it covers the Gas Transmission Pipeline it is acceptable.

PINF-R2 Building and structures, including additions and alterations to existing buildings and structures, within the Gas Transmission Pipeline Corridor

48. Clarus support the s42A proposal, in response to the submission by Powerco (414.48), to add 'excluding buildings and structures which form part of the gas distribution and transmission networks' to the rule name.

CONCLUSION

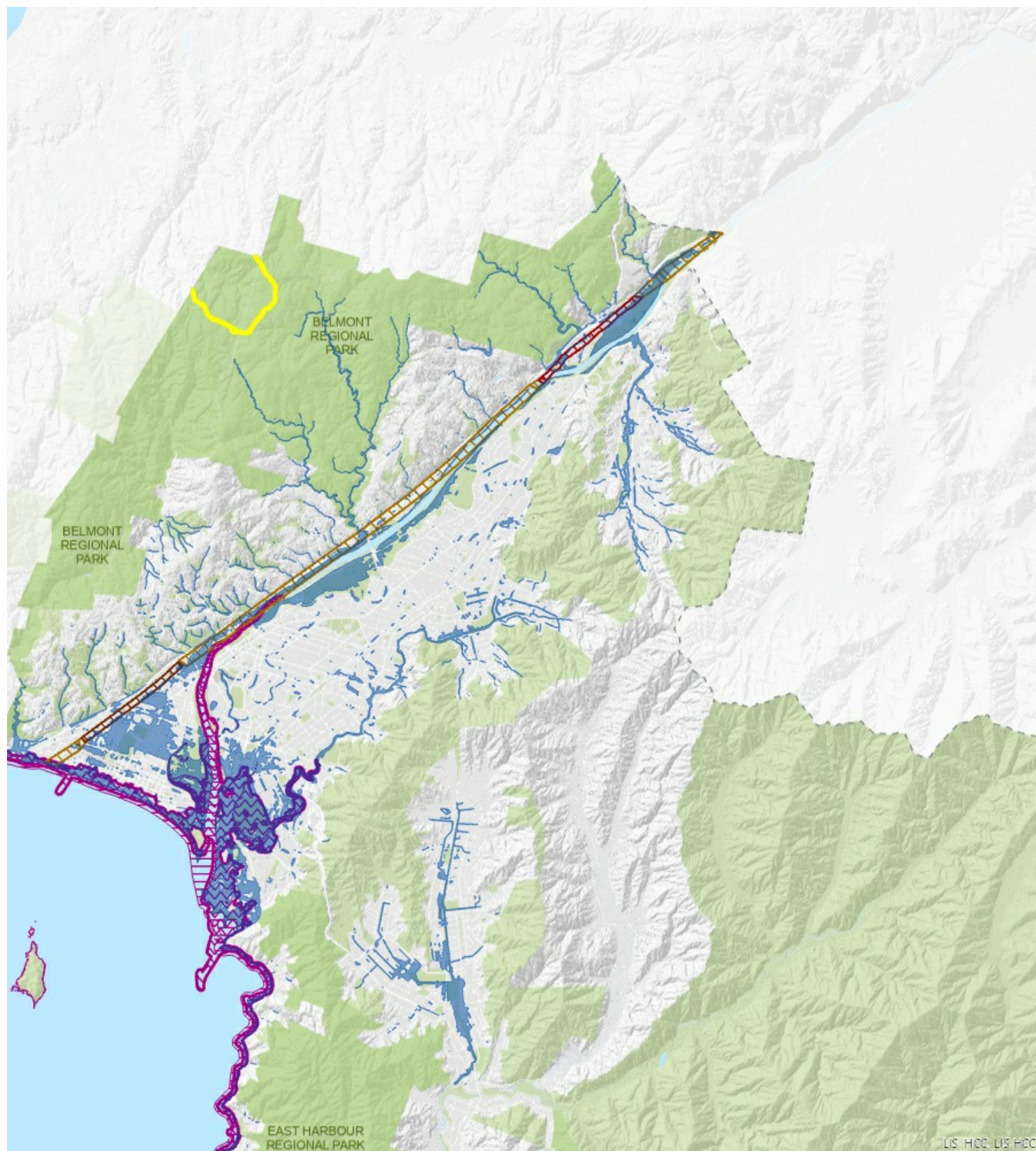
49. Thank you for the opportunity to provide this evidence on infrastructure matters affecting Clarus.

A handwritten signature in blue ink, appearing to read 'Bernard Warmington', with a stylized, cursive script.

BERNARD GAVIN WARMINGTON

7 September 2026

**Attachment A – High Natural Hazard Overlays in the Proposed District Plan (as notified).
GIS maps accessed 4/9/26)**



Map Legend

High Flood Hazard Overlay

 High Flood Hazard Overlay

High Coastal Inundation Hazard Overlay

 High Coastal Inundation Hazard Overlay

Fault Location Area

 Uncertain/Constrained

 Uncertain/Poorly Constrained

 Well Defined

 Well Defined Extended

High Tsunami Hazard Overlay

 High Tsunami Hazard Overlay

Gas Transmission Pipeline Corridor (Informational)

 Gas Transmission Pipeline Corridor