

Report to the Whangarei District Council Hearings Commissioner on Notices of Requirement from The New Zealand Refining Company and Vector Gas:

From the New Zealand Refining Company to designate the existing pipeline route which is currently used to transport refined petroleum fuel products from Marsden Point to Wiri in Manukau City being approximately 161 kilometres. The designation is to be 12.0m wide over all land (excluding roads) and 4.0m wide for roads. The pipeline is currently protected by way of a 12.0m wide easement registered on the affected properties (excluding roads).

From Vector Gas to designate Vector's existing 1500mm gas transmission pipeline extending approximately 78 kilometres from the point at which it crosses into Whangarei District near Artillery and Massey Roads, Waipu to Kauri, North Kamo and includes lateral pipelines at Ruakaka (Salle Road to Mair Road) and Whangarei comprising a further 16 kilometres.

The Vector Gas designation is to be between 12.0 and 6.0 meters wide depending on the zoning of the affected land and if there are any existing easements less than 12.0m in non-rural situations. The pipeline is currently protected by way of a 12.0m wide easement registered on the affected properties (excluding roads).

This report relates to the two notices of requirement from the New Zealand Refining Company and one notice of requirement from Vector Gas, and has been reported on by Whangarei District Council's Consultant Environmental Planner (Consents), Nick Williamson.

This report was written and peer reviewed by the following signatories:

Nick Williamson
Consultant Planner (Consents): Date:

Alister Hartstone
Resource Consents Manager: Date:

Resource Management Act 1991

Hearing By: The Whangarei District Council Hearings Commissioner of three notices of requirement from the New Zealand Refining Company and Vector Gas to designate land within the Whangarei District for their existing petroleum and gas pipelines and associated facilities.

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File Refs: RC 39051 (P071737.RQ)
RC 40153 (P116097.RQ)
RC 40434 (P032844.RQ)

Dated: 24 January 2008

1. The Proposals

- 1.1 The Whangarei District Council ("the Council") has received a Notice of Requirement ("NOR") from both New Zealand Oil Refinery Limited ("NZRC") and Vector Gas Limited ("Vector") to identify on the Planning Maps Designations over the existing petroleum fuel line and the natural gas pipeline that traverses over a number of properties within the District. The Notices of Requirement will enable Designations to be placed on the land for the purpose of protecting the existing facilities of NZRC and Vector and at the same time incorporating rules within the District Plan to manage any work within or near the Designation.
- 1.2 The proposed Designation corridors are located within multiple District Plan Environments (Zones) and are affected by a number of other Overlay Areas and Designations as listed in the table below:

Environments:	Overlay Areas:
Countryside	Notable Landscape
Coastal Countryside	Flood Susceptible
Business 2	Coastal Hazard 1 and 2
Business 4	Esplanade Priority Area
Business 4 (Oil Refinery Overlay)	ME3 (Winstone Aggregates Otaika Quarry)
Open Space	
Living 1	
Living 3	
Future Marine Village	

Designation Reference:	Description:
Whangarei DC - DW3	Proposed Extn to Ruakaka/One Tree Point Wastewater Treatment Plant, Sime Rd, Ruakaka
Whangarei DC - DW4	Ruakaka/One Tree Point Wastewater Treatment Plant, Sime Rd, Ruakaka
Whangarei DC - DW19	Marsden Point Stormwater Drainage
Whangarei DC - DW22	Uretiti Refuse Transfer Station, Tip Road, Waipu
Whangarei DC - DW47	Proposed Road Widening, Marsden Point Rd
Whangarei DC - DW80	Water Supply, Cove Road
Whangarei DC - DW95	Proposed Reserve, Dyer Street, Whangarei
Transit NZ - DTNZ1	State Highway 1N
NZ Railways - DNZRC1	Main railway line within Whangarei District
Transpower - DTP1	Maungatapere Substation, Pukeatua Rd
North Power - DNP10	Ruakaka Substation, Camelia Ave, Ruakaka
North Power - DNP13	Northpower Electricity Substation
Transit NZ - NTNZ2	State Highway 14

2. The Site

- 2.1 The proposed route of the NZRC designations follow an existing physically and legally identified path which is currently being utilised for the transportation of petroleum fuel products from Marsden Point to Wiri in Manukau City. The Vector designation shares this same corridor but also includes lines to the Whangarei, Oakleigh and Kauri delivery points within the Whangarei District. The existing routes are protected by easements generally 12.0m wide. The subject land is predominately a mixture of coastal vegetation and pastoral farmlands. There is an area of land which is identified for the purpose of a future marine village and the corridor backs onto a number of Living 1 and 3 properties. The proposed designation also dissects the Waipu Golf Course, Winstone Quarry and is located near to a quarry just off State Highway 1, Ruakaka.
- 2.2 The route crosses a number of local roads and an indicative road (Cove Road), which are under the Whangarei District Council's control and maintenance. The proposal also intersects the railway line within the District and State Highway 1. The proposed designation also crosses the Waipu River and a number of other minor tributaries.
- 2.3 The route is in very close proximity to a number of other designated sites including the Uretiti refuse transfer station on Tip Road, Wastewater treatment plant at Ruakaka and a water supply reservoir on Cove Road. The proposed designation route follows the high voltage over head power lines for part of the corridor, and is in close proximity to the Maungatapere and Ruakaka Substations.

- 2.4 The corridor width proposed to be designated by NZRC is 12.0m wide over all land (excluding legal roads) and 4.0m wide over all roads. The width of the proposed Vector designation is to be in accordance with the following table;

	Proposed Designation Width
Within Road Reserve (<u>along</u> road/state highways)	6.0 metres
Within Road Reserve (<u>across</u> road/state highways)	8.0 metres
Within Rail Reserve (<u>across</u> railway corridors)	8.0 metres
Non Road or Rail Reserve (land zoned other than Rural)	12.0 metres (other than those areas where the existing easement width is less than 12.0 metres wide.)
Non Road or Rail Reserve (land zoned Rural)	12.0 metres

- 2.5 Full descriptions of the proposed designations by NZRC and Vector Gas, including the purpose and objectives of the designations and their extent, are contained within the application documents and have been relied upon for the purpose of this report.

3. Consultation & Notification

- 3.1 Pursuant to Section 168(2) of the Resource Management Act 1991 a requiring authority may at any time give notice to a territorial authority of its requirement for a designation. The designation must be for a project or work, or in respect of any land, water, subsoil, or airspace where a restriction is reasonably necessary for the safe or efficient functioning or operation of such a project or work. Pursuant to Section 169(2) this application is required to be publicly notified in accordance with Section 93(2).
- 3.2 The NZRC requirement for the line between the refinery and Salle Road was originally lodged with the Whangarei District Council on 4 July 2005. This proposal, which related to the designation of a 25m wide corridor over the existing NZRC pipeline, was publicly notified on 7 September 2005 with the submission period closing on 5 October 2005. The requirement attracted a total of 15 submissions, of which 1 was in support of the proposal, 13 were in opposition, and 1 neither supported nor opposed the notice of requirement.
- 3.3 Full copies of the submissions received in relation to the application are attached to this report. Issues raised in the submissions supporting the application include:
- The alternatives such as increased road tanker transport from the refinery to Wiri are not acceptable.
- 3.4 Issues raised through those submissions in opposition to the application include:
- The Notice of Requirement does not meet the requirements of the RMA insofar as the mapping of the pipeline route is not detailed to a sufficient degree of accuracy.
 - The AEE supplied with the application does not provide a risk assessment related to the use of hazardous substances and installations, and fails to address conflicts between incompatible land uses.

- The NOR has not shown that the designation is necessary for the safe and efficient functioning of the network, nor has it fully explored alternatives.
 - It is not clear from the NOR and accompanying AEE what exactly NZRC proposes to be authorised by the designation. The brevity of the application indicates that it is only to authorise the existing pipeline but some contradictory statements in the application confuse this issue.
 - If the NOR relates only to the existing pipeline, there is no justification for extending the width of the designation beyond the existing easement
 - The AEE supplied with the application records that the pipeline was commissioned in 1986 with a design life of 20 years. If the lifespan of the pipeline is at an end, replacement or repair in the near future seems a realistic prospect, but the effects of such activities are not touched on in the NOR or AEE.
 - There have been no major disruptions to fuel supply in the last 14 years because of the planning status of the pipeline.
 - Inadequate consultation was undertaken by NZRC prior to the public notification of the proposal, and as a consequence, NZRC has not understood the way its designation may impact upon landowners' activity.
 - The NOR will affect the daily usage of private properties and will have ongoing effects on property values and all future planning decisions.
 - The NOR and AEE are silent on the effects of the proposed designation on existing and future wastewater and stormwater systems owned by the Council, or the Council's ability to maintain, renew, upgrade, augment, and extent these systems without additional impediments or encumbrances that would result from the designation.
 - There are a number of existing 220kV and 110kV electricity transmission lines that intersect the proposed designation route, and in some instances the foundations for the existing transmission line towers may lie within the proposed designation corridor.
 - A 25m wide designation will have adverse effects on conservation values and the management of land administered by DoC, and it does not achieve the sustainable management of natural and physical resources.
- 3.5 Further information was subsequently sought from NZRC on 8 November 2005 to address some of those matters raised in the submissions and this was provided to Council on 12 October 2006. Most notably the width of the proposed designation was to be reduced to coincide with the width of the existing easement.
- 3.6 Because it was considered that the amendments to the notice of requirement reduced the effect of the designation, rather than re-notifying the proposal, the revised proposal was circulated to submitters on 27 November 2006 with an invitation to provide further comments as the submitters saw fit. Full copies of the further responses from submitters are attached to this report.
- 3.7 Prior to a hearing being scheduled NZRC lodged their notice of requirement for the balance of the line within the district – from Salle Road to the territorial boundary with Kaipara District. Relatively shortly thereafter, the Council received the notice of requirement for Vector Gas for the same corridor plus some additional lateral lines.

- 3.8 The NOR for the pipeline route between Salle Road and the Wiri Oil Terminal was publicly notified on 29 June 2007 with submissions closing on 27 July 2007. The second NZRC requirement attracted a total of 11 submissions, of which 4 were in support of the proposal, 6 were in opposition, and 1 neither supported nor opposed the notice of requirement.
- 3.9 Full copies of the submissions received in relation to the application are attached to this report. Issues raised in the submissions supporting the application include:
- It is considered that the consultation that has taken place with affected landowners is adequate.
 - NZRC should offer to comply with the provisions of the Federated Farmers Land Access Code if it were to construct a new pipeline along the designated route.
 - The designation will serve to protect the archaeological sites that are located along the pipeline route, and it will serve to exercise caution in relation to any excavation in the vicinity.
 - The proposal to designate the land without any additional restrictions to those set out in the easement documents will ensure that everyday activities can be carried out on the site without extra hindrances.
- 3.10 Issues raised through those submissions in opposition to the application include:
- The proposed 12m designation width is wider than the existing 10m easement on the submitters property, and it is unclear whether the building restrictions within this area apply to trees and shrubs.
 - NZRC have not provided the submitter with any information about the pipeline such as safety information.
 - The NOR and AEE are silent on the effects of the proposed designation on existing and future wastewater and stormwater systems owned by the Council, or the Council's ability to maintain, renew, upgrade, augment, and extent these systems without additional impediments or encumbrances that would result from the designation.
 - The pipeline within the submitters' property has been constructed outside the easement area, so the application should be varied so that the designation relates to the actual position of the pipeline, and a condition imposed that the designation has no effect until such time as this situation has been resolved.
 - There is a number of existing 220kV and 110kV electricity transmission lines that intersect the proposed designation route, and in some instances the foundations for the existing transmission line towers may lay within the proposed designation corridor.
 - Designating public roads will contradict the Telecommunications Act 2001 and the rights conferred therein, and will introduce an additional layer of approvals and complicate the approval process for works within roads.
 - Changing the easement to a designation will disadvantage property owners that have specific easement conditions, and future restrictions on subdivision are not in property owners best interests.
- 3.11 The public notification period of the Vector Gas requirement followed immediately after that of the NZRC proposal with a total of 21 submissions being received

within the period from 28 July 2007 until 24 August 2007. The proposal drew 6 submissions in support of the proposal, 13 in opposition, and 2 neither supported nor opposed the notice of requirement.

3.12 Again, full copies of the submissions received in relation to the application are attached to this report. Issues raised in the submissions supporting the application include:

- The designation will serve to protect the archaeological sites that are located along the pipeline route, and it will serve to exercise caution in relation to any excavation in the vicinity.
- The proposal to designate the land without any additional restrictions to those set out in the easement documents will ensure that everyday activities can be carried out on the site without extra hindrances.

3.13 Issues raised through those submissions in opposition to the application include:

- Changing the easement to a designation will disadvantage property owners that have specific easement conditions, and future restrictions on subdivision are not in property owners best interests.
- The NOR and AEE are silent on the effects of the proposed designation on existing and future roading network owned by the Council, or the Council's ability to maintain, renew, upgrade, augment, and extent this network without additional impediments or encumbrances that would result from the designation.
- The NOR and AEE are silent on the effects of the proposed designation on existing and future wastewater and stormwater systems owned by the Council, or the Council's ability to maintain, renew, upgrade, augment, and extent these systems without additional impediments or encumbrances that would result from the designation.
- The pipeline within the submitters' property has been constructed outside the easement area, so the application should be varied so that the designation relates to the actual position of the pipeline, and a condition imposed that the designation has no effect until such time as this situation has been resolved.
- Designating public roads will contradict the Telecommunications Act 2001 and the rights conferred therein, and will introduce an additional layer of approvals and complicate the approval process for works within roads.
- There is a number of existing 220kV and 110kV electricity transmission lines that intersect the proposed designation route, and in some instances the foundations for the existing transmission line towers may lay within the proposed designation corridor.
- Due to the presence of the oil and gas lines, parts of the submitters land will become landlocked, the designation is unnecessary as the easement has existed for 24 years without problems, and the District Plan clearly shows the pipeline.
- Vector should offer to comply with the provisions of the Federated Farmers Land Access Code if it were to construct a new pipeline along the designated route.
- The NOR proposes to enable "repair", "upgrade" and "renewal" but it includes no definitions or limitations on what such works could include. In the absence

of such definitions, the designation should be limited to operation and maintenance works only.

- The designation as proposed does not require affected parties to be given reasonable notice of the programme of works to be conducted, or the opportunity to raise issues such as security and health & safety.
- Proposed Condition 4 suggested by Vector potentially imposes restrictions beyond the designated area which would be ultra vires. It should also be made clear that activities within the designated corridor that existed prior to the notice of requirement should not require further written consent of the requiring authority.
- A formal designation of the pipeline route could give rise to eventual rights of acquisition of the corridor by the pipeline operators, or lead to harsher conditions on use of the affected land by the rightful owners.
- Conditions should be included within the designation that would appropriately allow Transit NZ to operate the State Highway network in a sustainable manner, and no conditions should be included that could unduly compromise Transit from fulfilling its statutory objective under the Land Transport Management Act 2003 and powers under the Transit New Zealand Act 1989.

3.14 The issues raised through each of the submissions are examined more fully under the assessment of environment effects discussed later in this report.

4. Resource Management Act 1991

4.1 Part II of the Resource Management Act sets out the purpose and principles of the Act, including matters of national importance. The purpose of the Act, as outlined in Section 5, is to promote the sustainable management of natural and physical resources. In the Act, "sustainable management" means:

" ... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –

- (i) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (ii) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (iii) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

4.2 Section 6 of the Act lists the following as matters of national importance:

- (a) The preservation of the natural character of the coastal environment including the coastal marine area, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
- (g) *The protection of recognised customary activities.*

4.3 The proposed notices of requirement are not considered to give rise to any of the above matters of national importance. Section 7 of the Act requires the Council to have particular regard to the efficient use and development of natural and physical resources, as well as the maintenance and enhancement of amenity values.

4.4 Section 8 of the Act requires all persons exercising functions and powers under it, in relation to the use, development, and protection of natural and physical resources to take into account the principles of the Treaty of Waitangi.

4.5 Statutory Considerations

4.6 Section 168 of the RMA enables NZRC and Vector to give notice to Council for a Notice of Requirement to Designate the land within which is located the petroleum and natural gas pipelines. A designation is a provision included in the District Plan (as a result of the Requirement) to allow for the development [in this case the continuation] of a public work, or utility operation.

4.7 A "Requirement" to designate land is a resource management mechanism by which provision for work is included in the District Plan. The process does not provide approval for the work itself, which would require an 'outline plan of works' to be provided to the Council for consideration, unless sufficient detail is provided in the NOR.

4.8 The Council is required to publicly notify notices of requirement and to conduct a hearing of the request for designations and submissions received.

4.9 When considering the Notices of Requirement, Section 171 of the Act requires that the territorial authority shall have regard to all submissions and the matters set out in section 171 of the Act. Section 171 reads as follows –

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –*
 - (a) *any relevant provisions of –*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan.*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
 - (i) *The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *It is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter that the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

4.10 When considering the matters outlined in Section 171, the meaning of "effect" as defined in Section 3 of the Act must be considered. Under the Resource Management Act, unless the context otherwise requires, the term "effect" includes:

- (a) Any positive or adverse effect; and
- (b) Any temporary or permanent effect; and
- (c) Any past, present or future effect; and
- (d) Any cumulative effect which arises over time or in combination with other effects –
regardless if the scale, intensity, duration, or frequency of the effect, and also includes –
- (e) Any potential effect of high probability; and
- (f) Any potential effect of low probability which has a high potential impact.

5. National Policy Statements & Plans

5.1 New Zealand Coastal Policy Statement 1994

- 5.2 The only operative National Policy Statement is the New Zealand Coastal Policy Statement 1994 (“NZCPS”), which largely applies to the coastal marine area. The NZCPS recognises that some uses and developments which depend on the use of natural and physical resources in the coastal environment are important to the “social, economic and cultural wellbeing of people and communities” and that functionally certain activities can only be located on the coast or in the coastal marine area, and sets out to provide such uses.
- 5.3 While the pipeline does cross the coastal marine area in some locations, the nature of the geography makes these crossing points in estuarine environments difficult to avoid. Because the line and support structures in these locations presently exist, it is not considered that the proposal to designate the existing physical resource offends any of the relevant provisions of the NZCPS.

6. Regional Policy Statements & Plans

6.1 Northland Regional Policy Statement

- 6.2 The Northland Regional Policy Statement contains specific provisions dealing with energy:

28.4 Policies and Methods of Implementation

(a) Energy Production, Transmission & Distribution

3. *To ensure that energy generation and transmission facilities are sited, designed and operated safely and efficiently and to avoid, remedy, or mitigate and adverse effects on the environment.*

- 6.3 The pipeline has been operating for approximately 25 years without any discernable adverse effect on the environment. The inclusion of a designation over the pipeline corridor will introduce a greater degree of awareness for those wishing to carry out activities that may compromise the safe transmission of gas and petroleum products, which is consistent with the above policy.

6.4 Northland Regional Water & Soil Plan, Coastal Plan, & Air Quality Plan

- 6.5 The three Northland Regional Plans contain objectives, policies and rules to address the significant resource management issues relating to air, water, soil, and the coastal environment. The proposed designation does not give rise to any of these particular matters.

7. District Plan Provisions

7.1 Interpretation

7.2 To determine the extent to which the District Plan provisions are applicable to the proposal, it is important to first explore the relevant definitions as set out in the Plan:

Network Utility Operator means a person who:

Undertakes or proposes to undertake, the distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy.

7.3 Both NZRC and Vector Gas are considered to fall within the Whangarei District Plan's definition of Network Utility Operator

Minor Upgrading means an increase in the carrying capacity, efficiency or security of any network utility operation utilising the existing support structures or structures with the effects of a similar scale, character, bulk and form. It includes, in regard to electricity, telecommunication and radio-communication services:

- The addition of circuits and conductors;
- The reconductoring of the line with higher capacity conductors;
- The resagging of conductors;
- The addition of longer and more efficient insulators;
- The addition of earth wires (which may contain telecommunications lines), earth peaks and lightning rods;
- Additional telecommunication lines;
- The replacement of existing cross arms with cross arms of an alternative design;
- The replacement or alteration of existing antennae;
- The replacement or alteration of existing masts, poles and associated structures in the same or similar location and in accordance with the relevant New Zealand Standard.

Minor upgrading shall not include:

- (a) Additional structures or the replacement of structures with the effects that are not of a similar scale, character, bulk and form.
- (b) An increase in the voltage of the line unless the line, was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

7.4 Objectives & Policies

7.5 The following objectives and policies of the Operative District Plan are considered to be of particular relevance to this application:

Objective 23.3.1 (Network Utility Operators)

The orderly, efficient and effective installation, operation, maintenance and minor upgrading of network utility operations throughout the District, to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

Objective 23.3.2 (Network Utility Operators)

The protection of the environment from, as far as practicable, from the potential adverse effects of network utility operations, particularly effects on the health and

safety of communities, the natural character of the environment, sites of historical and cultural significance, and the amenity values of the surrounding area.

Objective 23.3.3 (Network Utility Operators)

The protection of network utility operations from the adverse effects of adjacent land use and development.

Policy 23.4.1 (Provision of Services)

The orderly and efficient provision of network utility operations should be enabled, and the essential nature and operational needs of network utility operations should be taken in to account, when assessing the location, design and operation of these services.

Policy 23.4.2 (Environmental Effects)

Network utility operations should be sited, designed and operated in such a way that the adverse effects on the environment will be avoided, remediated or mitigated, as far as practicable. When siting and designing network utility facilities, particular regard should be made to:

- *Areas of Notable and Outstanding Landscape value;*
- *Significant Ecological Areas;*
- *The natural character of the coastal environment;*
- *Ridgelines and skylines;*
- *Heritage Buildings, Sites and Objects;*
- *Sites of Significance to Maori.*

Policy 23.4.3 (Amenity Values)

The adverse effects of network utility operations should be avoided, remedied or mitigated as far as reasonably practicable in accordance with the amenity values of the different Environments. In the Living Environments, the commercial centres and in the Open Space Environment, telecommunication and electrical services should be underground or by wireless link, where practicable. In other environments, undergrounding or wireless links should be encouraged, but where this is not practicable, feasible services should be sited and designed so as to minimise adverse effects on amenity values.

Policy 23.4.4 (Health and Safety)

Network utility operations should be installed, sited, designed, operated, maintained and upgraded in compliance with the relevant (national, international or industry) standards, codes of practice or guidelines in order to avoid, remedy or mitigate potential adverse effects on the health and safety of people.

Policy 23.4.5 (Radio Frequency Fields (RF) and Electromagnetic Radiation (EMR))

To ensure that any effects from the generation of Radio Frequency Fields and Electromagnetic Radiation are in accordance with the relevant New Zealand Standard.

Policy 23.4.6 (Encroachment)

Subdivision, use and development of land should not compromise the safe and efficient operation of, and access to, existing and proposed network utility operations.

Method 23.5.1

Requiring Authorities may designate the land for network utility purposes. (Policy 23.4.2).

7.6 The above objectives and policies seek to address the issues often faced when trying to manage network utilities. The three main threads to these provisions are the

coordination and managed extension of services, the protection of the environment from the potential effects of network utility infrastructure, and the protection of the infrastructure itself from encroaching incompatible development. The proposed designation will enable better management of the pipeline, and as the proposal does not envisage any physical works at this time, it is not likely to give rise to any adverse effects on the environment. The designation will better achieve the objective of avoiding encroachment from incompatible development by adding another layer of protection under the RMA.

7.7 It is understandable however, that the other requiring authorities and network utility operators that have networks or facilities that may be affected by the designation are concerned about the impacts it may have on their ability to achieve the above objectives and policies. Clearly there is a strong case for these operators to form a close working relationship and develop protocols to deal with the various scenarios that may arise through the implementation of their maintenance and development programs.

7.8 The following additional objectives & policies are also relevant to the present proposal:

Objective 21.3.1 (Hazardous Substances)

Protection of the environment from the adverse effects and risks, from activities involving the use, storage, manufacture, transport and disposal of hazardous substances.

Policy 21.4.1 (Location)

To ensure that hazardous substances are stored and used in locations where any adverse effects on human health, the surrounding natural and physical resources, and ecosystems, and surrounding land use activities are avoided, remedied or mitigated.

Policy 21.4.2 (Design of Facilities)

To ensure that activities involving the use or storage of hazardous substances are designed, constructed and managed to avoid the risk of fire and explosion, and to protect human and environmental health.

Policy 21.4.3 (Transportation)

To ensure that the transportation of hazardous substances is undertaken in a manner that reduces the risk of accidental leaks and spills.

Policy 21.4.4 (Disposal)

To dispose of hazardous substances waste at specialised facilities to avoid inappropriate release into the environment.

Objective 28.3.1 (Scheduled Activities or Overlay Areas)

Existing activities which have no more than minor adverse effects on the environment, and which do not detract from the purpose and function of the Environment in which they are situated, but which are inconsistent with the rules of that Environment, are enabled to continue.

Objective 28.3.2 (Scheduled Activities or Overlay Areas)

Provide, as exceptions to the general Environment rules and subject to conditions aimed at sustainable management of resources, for specific activities which are not otherwise permitted by the Environment rules and standards.

7.9 The above objectives and policies seek to address the effects associated with the storage, manufacture and transportation of hazardous substances. The pipeline presently exists and has been operating successfully for many years in a way that achieves the above objectives and policies.

7.10 Other Relevant Provisions

7.11 The following table outlines the relevant rules of the Operative District Plan as they relate to the pipeline within the affected zones:

Zone	Rules
<p>Countryside & Coastal Countryside</p>	<p><u>38.3.2 Hazardous Substances</u> ... (b) The movement of hazardous substances between sites is a permitted activity if conducted by means of an underground pipeline.</p> <p><u>38.3.4 Network Utility Services</u> The following activities related to are a permitted activity: ... (d) The minor upgrading, replacement, removal, and maintenance of existing network utility services facilities; and (e) The establishment of, or extension to, underground network utility services, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals.</p> <p><u>38.3.7 Signs</u> (a) The construction or placement of a sign which is not visible from a public place is a permitted activity (b) The construction or placement of a sign which is visible from a public place is a permitted activity if: ... ix. The sign is required under health and safety legislation (c) Signs not visible beyond the site on which they are located are a permitted activity.</p> <p><u>38.3.18 Indigenous Vegetation Clearance & Indigenous Wetland Disturbance</u> Destruction or clearance of indigenous vegetation within this Environment in: a) A contiguous area of 5.0ha or more of predominantly indigenous vegetation; or b) In any area of 1.0ha or more of predominantly indigenous vegetation over 6.0m in height; or c) In an indigenous wetland; is a permitted activity if it complies with the following: ... iii. The removal is of trees that are a danger to human life or existing structures (including network utilities); or iv. The removal is necessary for the maintenance of any building, structure, road or track including any telecommunication work or utility service; ...</p>
<p>Business 2</p>	<p><u>40.3.2 Hazardous Substances</u> ... (b) The movement of hazardous substances between sites is a permitted activity if conducted by means of an underground pipeline.</p> <p><u>40.3.3 Network Utility Operations</u> The following activities related to are a permitted activity: ... (d) The minor upgrading, replacement, removal, and maintenance</p>

	<p>of existing network utility services facilities; and</p> <p>(e) The establishment of, or extension to, underground network utility services, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals.</p> <p><u>40.3.6 Signs</u></p> <p>(a) The construction or placement of a sign which is not visible from a public place is a permitted activity.</p> <p>(b) The construction or placement of a sign which is visible from a public place is a permitted activity if:</p> <p>i. The sign is required under health and safety legislation; or ...</p> <p>(c) Signs not visible beyond the site on which they are located are a permitted activity.</p>
Business 4	<p><u>42.3.2 Hazardous Substances</u></p> <p>...</p> <p>(b) The movement of hazardous substances between sites is a permitted activity if conducted by means of an underground pipeline.</p> <p><u>42.3.3 Network Utility Operations</u></p> <p>The following activities related to Network Utility Operations are a permitted activity:</p> <p>...</p> <p>(d) The minor upgrading, replacement, removal, and maintenance of existing network utility services facilities; and</p> <p>(e) The establishment of, or extension to, underground network utility services, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals.</p> <p><u>42.3.6 Signs</u></p> <p>(a) The construction or placement of a sign which is not visible from a public place is a permitted activity.</p> <p>(b) The construction or placement of a sign which is visible from a public place is a permitted activity if:</p> <p>vi. The sign is required under health and safety legislation; or ...</p> <p>(c) Signs not visible beyond the site on which they are located are a permitted activity.</p>
Open Space	<p><u>46.3.2 Hazardous Substances</u></p> <p>...</p> <p>(b) The movement of hazardous substances between sites is a permitted activity if conducted by means of an underground pipeline.</p> <p><u>46.3.4 Signs</u></p> <p>The construction or placement of a sign is a permitted activity if:</p> <p>(h) The sign is required under health and safety legislation</p> <p>Signs not visible beyond the site on which they are located are a permitted activity.</p> <p><u>46.3.12 Network Utility Operations</u></p>

	<p>The following activities related to Network Utility Operations are a permitted activity:</p> <p>...</p> <p>(c) The minor upgrading, replacement, removal, and maintenance of existing network utility services facilities; and...</p> <p>(e) The establishment of, or extension to, underground network utility operations, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals; and</p> <p>(f) Network utility operations in association with activities permitted in accordance with Rule 40.3.2.</p> <p><u>46.3.13 Indigenous Vegetation Clearance & Indigenous Wetland Disturbance</u></p> <p>Destruction or clearance of indigenous vegetation within this Environment:</p> <p>a) In a contiguous area of 5.0ha or more of predominantly indigenous vegetation; or</p> <p>b) In any area of 1.0ha or more of predominantly indigenous vegetation over 6.0m in height; or</p> <p>c) In an indigenous wetland;</p> <p>is a permitted activity if it complies with the following:</p> <p>...</p> <p>iii. The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>iv. The removal is necessary for the maintenance of any building, structure, road or track including any telecommunication work or utility service; ...</p>
Living 1 & 3	<p><u>36.3.2 Hazardous Substances</u></p> <p>...</p> <p>(b) The movement of hazardous substances between sites is a permitted activity if conducted by means of an underground pipeline.</p> <p><u>36.3.3 Network Utility Operations</u></p> <p>The following activities related to Network Utility Operations are a permitted activity:</p> <p>...</p> <p>(c) The minor upgrading, replacement, removal, and maintenance of existing network utility services facilities; and...</p> <p>(e) The establishment of, or extension to, underground network utility operations, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals.</p> <p><u>36.3.7 Signs</u></p> <p>(a) The construction or placement of a sign which is not visible from a public place is a permitted activity.</p> <p>(b) The construction or placement of a sign which is visible from a public place is a permitted activity if:</p> <p>ix. The sign is required under health and safety legislation; or ...</p> <p>(c) Signs not visible beyond the site on which they are located are a permitted activity.</p> <p><u>36.3.17 Indigenous Vegetation Clearance & Indigenous Wetland Disturbance</u></p> <p>Destruction or clearance of indigenous vegetation within the Living 3 Environment in;</p>

	<p>a) A contiguous area of 5.0ha or more of predominantly indigenous vegetation; or b) In any area of 1.0ha or more of predominantly indigenous vegetation over 6.0m in height; or c) In an indigenous wetland;</p> <p>is a permitted activity if it complies with the following: ... iii. The removal is of trees that are a danger to human life or existing structures (including network utilities); or iv. The removal is necessary for the maintenance of any building, structure, road or track including any telecommunication work or utility service; ...</p>
Future Marine Village	<p><u>48.4.1 Activities Generally</u></p> <p>Any activity within the Future Marine Village Environment is a permitted activity if it is in accordance with the conditions for permitted activities of the Underlying Environment.</p> <p><i>For this application the underlying zone is Countryside please refer to the rule listed above for Countryside and Coastal Countryside.</i></p>

8. Assessment of Environmental Effects

8.1 The main actual or potential environmental effects resulting from the activities on the site, and other issues raised through submissions are as follows:

- Physical Works
- Land Use Conflicts
- Development Restrictions
- Administrative Uncertainty
- Accuracy of Pipeline Location
- Cultural / Archaeological
- Transport Efficiency

8.2 Each of these effects are examined in further detail below, taking into account the issues raised by submitters and having regard to the matters to be considered in terms of the District Plan and the Resource Management Act 1991.

8.3 Physical Works

8.3.1 Several submitters have queried the scope of the designation and extent that it authorises under maintenance. While most are not opposed to works being undertaken, clearer procedure (including consultation) is sought, particularly when other utility networks are likely to be affected where designation corridors overlap.

8.3.2 Equally however, there are a number of submitters, both land owners and utility operators who have a great deal of concern that the designation will introduce an additional layer of requirements when they wish to undertake physical works within the designated corridor. They are also concerned that the designations do not include sufficient details regarding land access and protocols when the situation is reversed, and it is the pipeline operators that are the ones wishing to undertake the works.

8.3.4 Subsequent to these submissions being received, and drawing on the information gained during the hearing of the NOR before the Auckland Metropolitan Councils, NZRC and Vector Gas have been endeavouring to develop these protocols and have suggested a number of conditions to be included in the designation to address these concerns. It is noted however, that the designation as notified sought to protect the existing pipelines, and there is no current proposal for the upgrading or installation of new lines.

8.4 Land Use Conflicts

8.4.1 Supporters state that the designated corridor will create certainty about the corridor location and clearly define what can and cannot be carried out within the pipeline corridor. Opponents suggest the complete opposite, stating that the designation will create additional uncertainty for the future use and management of the affected properties. However, there seems to be a common misunderstanding among these submitters that the existing easements will be replaced by the designation.

8.4.2 The designation process will simply ensure that the legal extent of the pipeline corridor is recorded within the District Plan. There are many situations where persons other than land owners speculate on property without necessarily being aware (or rather more importantly being subject to) the conditions of any easement affecting land. The designation provisions in the Act require any person doing anything that would potentially impact upon the designated activity to obtain the written approval of the requiring authority. Whether the existing easements will ultimately remain on the properties is a matter between the land owners and NZRC & Vector Gas, as all parties to an easement must agree to it being uplifted.

8.4.3 The most common issue in this respect relates to the potential conflicts between the various public utility operators that have infrastructure or other designations that overlap within the pipeline corridor. As discussed under previous sections of this report, other requiring authorities and network utility operators have networks or facilities that may be affected by the designation. These operators often share common goals by managing the continued supplying of a particular service or product to the public. Their asset management responsibilities sometimes see them facing the same opportunities and threats, so it can be beneficial for them to form a close working relationship and develop protocols to deal with the various scenarios that may arise through the implementation of their maintenance and development programs.

8.5 Development Restrictions

8.5.1 Several submitters have expressed concern that the designation will impinge upon their rights to further develop or subdivide their properties, and that their property values will be diminished accordingly. The effect of a designation, as set out in Section 176(1) of the Act is that:

- (b) *no person may, without the prior written consent of that requiring authority, do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project or work to which the designation relates, including—*
- (i) undertaking any use of the land described in section 9(4); and*
 - (ii) subdividing the land; and*
 - (iii) changing the character, intensity, or scale of the use of the land.*

8.5.2 In practice, the easements that currently apply to the pipeline corridor already contain the same restrictions that are proposed via the designation. The notable difference that will be brought about by the designation is that the Council's District Plan will include reference to the designation, and when considering any application under the

RMA, the Council is likely to require evidence of the written approval prior to making any determinations under the Act.

- 8.5.3 Several submitters have intimated that there may be some ulterior motive behind the designation process, and that it is a step in the process of acquiring the land from the current land owners. The designation process does provide for requiring authorities to make application to the Minister of Land to initiate the processes prescribed under the Public Works Act 1981 to acquire land for public works [refer s186 of the RMA]. However, the RMA also provides land owners with the ability to make application to the Environment Court to oblige the requiring authority to acquire or lease all or part of the land affected by the designations under the Public Works Act 1981 [refer s185 of the RMA]. In both situations the relevant legislation sets out clearly defined procedures that must be followed in the event that either party seeks to pursue this option.

8.6 Administrative Uncertainty

- 8.6.1 While not strictly an effect on the environment, several submissions raise the issue of administrative certainty. Whether it is uncertainty about which organisation landowners must approach when wanting to carry out an activity on the site, or which network utility operator's infrastructure should have primacy, it is evident that both NZRC and Vector Gas need to take steps to ensure that clear protocols are in place to set out the requirements for all parties affected by the designation.

8.7 Accuracy of Pipeline Location

- 8.7.1 There are a couple of submitters who have discovered that the pipeline is not located within the easement area identified on the relevant Certificates of Title. It is understood though, that the physical marking posts on the site correctly mark the pipeline corridor rather than the easement boundaries. Both NZRC and Vector Gas are now aware of this situation and have been endeavouring to negotiate with the affected landowners to rectify the situation. The relief sought by the submitters is to have the designation altered in relation to these properties to the effect that the physical pipeline corridor is subject to the designation rather than the easement area.
- 8.7.2 Given the purpose of the designation to protect the line and provide certainty for landowners, it would be appropriate that the relief sought by the submitter is granted and that the designation should lie over the pipeline's physical location rather than the easement.

8.8 Cultural

- 8.8.1 On 5 January 2006 the Administrator for the Patuharakeke Trust Board advised the Council by email that at the Board's meeting of 9 December 2005 a motion was passed to support NZRC's Notice of Requirement to designate a 25m corridor over the pipeline.
- 8.8.2 The Historic Places Trust has also noted that there are a number of archaeological sites located along the pipeline route, and that the designation will serve to provide an extra layer of protection in these areas.

8.9 Transport Efficiency

- 8.9.1 Supporters state the continued operation will keep traffic off the State Highways, although opponents point out that transport by sea remains an alternative. Transit NZ has raised concerns that the designation will itself add an extra layer of procedure in relation to any works that they undertake on the State Highway Network.

8.9.2 It is almost certain that the alternative of transporting the products to Auckland via road transport would have a greater effect on the environment, particularly in terms of impacts on the State Highway, and the heightened risks to safety of people and property. Similar environmental risks would exist for transportation of products by sea. Both NZRC and Vector Gas have explored these alternatives and it is evident that the continuation of the existing pipelines would have the least potential adverse effects on the environment.

9. Necessity of Designation

9.1 The objectives of the designations are to safeguard the integrity and uninterrupted operation of the pipelines, and to minimise the risk to the public, landowners, and third parties. The NZRC and Vector Gas detail these objectives more fully in their respective Notices of Requirement.

9.2 The two requiring authorities have identified a need to enhance the protection afforded the pipelines by the existing easement restrictions by designating the entire route, including where the pipeline is located within public land and road reserve. Recording the designation in a statutory public document such as the District Plan provides the pipelines with a separate category of protection against future changes or developments that could compromise the infrastructure. More particularly, the designation will give a clear indication to the public and future developers (via LIM and PIM reports) of the existing use of the land, and ensure that both planning and the issuing of resource consent and building consents occur in an informed and integrated manner.

9.3 Vector is the sole provider of gas transmission services to retail gas suppliers and electric power generators in the Auckland and Northland Regions and the NZRC Petroleum Pipeline delivers refined products from New Zealand's only refinery to serve an ever expanding Auckland Region and its major airport. Both products need to be delivered safely and without interruption, and as such the existing pipelines are critical and fundamental part of maintaining essential fuel and gas supplies.

10. Conclusion

10.1 Overall it is considered that in terms of Section 171 of the Act, the designations proposed by NZRC and Vector Gas are necessary for achieving the objectives of the public work and that adequate consideration has been given to alternative routes or methods for achieving the requiring authorities objectives.

10.2 It is considered that any potential adverse effects on the environment can be adequately mitigated by way of the recommended conditions as set out at the end of this report. It is recognised however, that discussions between the requiring authorities and the affected parties have been continuing, and both sides of the debate are invited to share with the Commissioners their perspective of any progress made towards an amicable solution to their concerns.

10.3 It is further considered that the designations, subject to recommended conditions, are in accordance with the relevant provisions of the Operative Whangarei District Plan. The proposed designations are in accordance with the purpose and principles of Part II of the Resource Management Act 1991 in that they will enable people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while mitigating adverse effects on the environment.

Recommendation

1. That pursuant to Section 171(2) of the Resource Management Act 1991, Whangarei District Council recommends that the notices of requirement by the New Zealand Refining Company (RC 39051 P071737.RQ & RC 40153 P116097.RQ) to designate land within the Whangarei District for their existing petroleum pipelines and associated facilities be **CONFIRMED** as detailed and subject to the conditions and restrictions set out below.
2. That pursuant to Section 171(2) of the Resource Management Act 1991, Whangarei District Council recommends that the notices of requirement by Vector Gas Limited (RC 40434 P032844.RQ) to designate land within the Whangarei District for their existing gas pipelines and associated facilities be **CONFIRMED** as detailed and subject to the conditions and restrictions set out below.

Reasons for the Recommendations

1. The proposed designations are necessary for achieving the objectives of the proposed works for which the designation are sought.
2. Adequate consideration has been given to alternative pipeline routes or transportation methods and it would be unreasonable to require the requiring authorities to use alternative routes given that the proposed designations would overlay the existing easements that are already in place.
3. Subject to the implementation of the recommended conditions, it is considered that the notices of requirement are consistent with the relevant provisions of the Resource Management Act 1991. In particular, the requirement will enable the protection against future changes or developments that could compromise nationally significant infrastructure.
4. The requirements are in accordance with the relevant objectives and policies of the National & Regional Policy Statements, and the Regional and District Plans.
5. The recommended conditions for the designation will ensure that all works relating to the operation and maintenance of the pipeline will provide adequate and satisfactory mitigation of any potential adverse effects arising from the proposed works on the environment and any other network utility operators in the vicinity of the pipeline corridor.

Recommended Conditions – New Zealand Refining Company

1.0	PURPOSE OF DESIGNATION
1.1	<p>The designation by New Zealand Refining Company (<i>NZRC</i>) is for the operation, maintenance and repair, upgrade and renewal of the existing petroleum transmission pipeline and ancillary facilities as required for the transportation of petroleum products described as follows:</p> <ul style="list-style-type: none"> (i) the existing 275 mm petroleum transmission pipeline; (ii) the existing isolation valves; (iii) cathodic protection terminals; (iv) surface marker posts and warning signage; <p>located between the Mardsen Point Oil Refinery and the southern boundary of Whangarei District near Artillery and Massey Roads, Waipu.</p> <p>Subject to the following limitations:</p>

	<ul style="list-style-type: none"> ▪ Renewal shall be limited to works on the petroleum transmission pipeline and will be limited to replacement with sections having equivalent diameter and maximum allowable operating pressure, and no more than [50] lineal metres of pipeline will be excavated at any particular time. ▪ Upgrade will be limited to adding or replacing above ground components provided the district plan relevant permitted activity standards are complied with.
1.2	The designation affects land legally described in Appendix 3 "List of Property Owners located along the RAP Route" to the Notice of Requirement as submitted to the Whangarei District Council (<i>the Council</i>).
2.0	RESTRICTIONS OF DESIGNATION
2.1	<p>No persons shall:</p> <ul style="list-style-type: none"> ▪ Erect any building or construction on the designated corridor; ▪ Erect any fence or other improvement or plant any tree or shrub; ▪ Disturb the soil below a depth of 0.4 metres from the surface; or ▪ Do anything on or to the Land within the designated corridor which would or could damage or endanger the Pipelines; <p>without first obtaining the written consent of NZRC.</p> <p>Landowners and/or developers can apply to NZRC for consent to do any work on the land within the designation corridor. NZRC will review each application with the landowner/developer and work to achieve the most suitable outcome for all parties. NZRC may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.</p> <p>NZRC agrees to not unreasonably withhold its consent</p> <p><i>Works or activities that would or could damage or endanger the Pipelines include, for example, the use of heavy compaction or vibration machinery or equipment, pile driving machinery and equipment, trenching, excavation or drilling (including micro drilling and directional drilling).</i></p>
2.2	No person shall undertake road opening, trenching, excavation or drilling (including micro drilling and directional drilling), or lay underground high voltage power lines >450v either in parallel with or at right angles to NZRC's petroleum pipeline, without first obtaining NZRC's written approval.
2.3	<p>However, the restrictions in 2.1 and 2.2 above do not apply, and NZRC's consent is not required under section 176 of the Resource Management Act 1991 to the following activities, provided that a Road Opening Notice has been received from the Whangarei District Council:</p> <ul style="list-style-type: none"> • Any road widening or associated works in accordance with any existing road designation; • Any repair, maintenance or upgrade to existing road surface; • Any repair, maintenance or upgrade to any existing network utility infrastructure. <p>Provided in all cases that:</p> <ul style="list-style-type: none"> • Soil is not disturbed below a depth of 0.4m from the surface; and • After works, the finished surface level is not reduced below the pre-existing surface datum. <p>Where works in the above categories would exceed 0.4m in depth from the surface and/or after completion of such works the finished surface level is proposed to be reduced below the pre-existing surface datum then application shall be made to NZRC for consent to do the works. NZRC</p>

	will review each application with the applicant and work to achieve the most suitable outcome for all parties. NZRC may give its written consent subject to reasonable conditions, and agrees to not unreasonably withhold its consent.												
3.0	DESIGNATION CONDITIONS												
3.1	The works to give effect to the designation shall be generally in accordance with the plans and information submitted by New Zealand Refining Company in support of the Notice of Requirement in the documents entitled " <i>Proposed Designation Relating to the Refinery to Auckland Pipeline</i> ".												
3.2	<p>The maximum width of the designation shall be as follows:</p> <table border="1"> <thead> <tr> <th>Locations</th> <th>Designation Width</th> </tr> </thead> <tbody> <tr> <td>Within Road Reserve (<u>along</u> road/state highways)</td> <td>6.0 metres</td> </tr> <tr> <td>Within Road Reserve (<u>across</u> road/state highways)</td> <td>8.0 metres</td> </tr> <tr> <td>Within Rail Reserve (<u>across</u> railway corridors)</td> <td>8.0 metres</td> </tr> <tr> <td>Non Road or Rail Reserve (land zoned other than Rural)</td> <td>12.0 metres (other than those areas where the existing easement width is less than 12.0 metres wide.)</td> </tr> <tr> <td>Non Road or Rail Reserve (land zoned Rural)</td> <td>12.0 metres</td> </tr> </tbody> </table>	Locations	Designation Width	Within Road Reserve (<u>along</u> road/state highways)	6.0 metres	Within Road Reserve (<u>across</u> road/state highways)	8.0 metres	Within Rail Reserve (<u>across</u> railway corridors)	8.0 metres	Non Road or Rail Reserve (land zoned other than Rural)	12.0 metres (other than those areas where the existing easement width is less than 12.0 metres wide.)	Non Road or Rail Reserve (land zoned Rural)	12.0 metres
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3.3	All pipeline maintenance, repair, upgrade or renewal activities outside road reserves that involve excavation shall be in accordance with the Guide to Land Access for the Oil and Gas Industry and Landowners.												
3.4	All pipeline maintenance, repair, upgrade or renewal activities within road reserves that involve excavation shall be subject to Road Opening Permit requirements of the Whangarei District Council.												
3.5	Where maintenance, repair, upgrade and renewal activities involving excavation are undertaken pursuant to the designation, appropriate sediment and erosion measures shall be employed, in accordance with the Operative Whangarei District Plan.												
3.6	Scheduled maintenance, repair, upgrade or renewal work and associated activities shall be limited to between the hours of 7am and 7pm, Monday to Saturday (excluding public holidays) unless the prior approval of the Council has been obtained.												
3.7	All works or activities related to the designation shall be undertaken in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).												
3.8	The noise from maintenance works shall be measured, assessed and controlled in accordance with the procedures and limits set out NZS 6803:1999 Acoustics — Construction Noise.												
3.9	NZRC shall consult with Transit New Zealand at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations.												
3.10	NZRC shall consult with the Council at least 15 working days prior to carrying out any works or activities on, in or under Council-controlled roads, except in emergency situations.												

Recommended Conditions – Vector Gas Limited

1.0	PURPOSE OF DESIGNATION
1.1	<p>The designation by Vector Gas Limited (<i>Vector</i>) is for the operation, maintenance and repair, upgrade and renewal of the existing gas transmission pipeline and ancillary facilities as required for the transportation of gas and described as follows:</p> <ul style="list-style-type: none"> (v) The existing 150mm gas transmission pipeline between the Whangarei District Council near Artillery and Massey Roads and the Kauri Delivery Point, Kamo; (vi) The lateral pipeline from Salle Road Main Line Valve to Marsden Point Delivery Point; (vii) The lateral pipeline from the Whangarei Offtake to the Whangarei Delivery Point; (viii) The Delivery Point at Marsden Point, Oakleigh, Whangarei, and Kauri; (ix) The Main Line Valve station at Salle Road and Maungatapere and the offtake station at Whangarei; <p>Subject to the following limitations:</p> <ul style="list-style-type: none"> ▪ Renewal shall be limited to works on the gas transmission pipeline and will be limited to replacement with sections having equivalent diameter and maximum allowable operating pressure, and no more than [50] lineal metres of pipeline will be excavated at any particular time. ▪ Upgrade will be limited to adding or replacing above ground components provided the district plan relevant permitted activity standards are complied with.
1.2	<p>The designation affects land legally described in Appendix 2 “Schedule of Affected Land” of Volume 3 of the Notice of Requirement as submitted to the Whangarei District Council (<i>the Council</i>).</p>
2.0	RESTRICTIONS OF DESIGNATION
2.1	<p>No persons shall:</p> <ul style="list-style-type: none"> ▪ Erect any building or construction on the designated corridor; ▪ Erect any fence or other improvement or plant any tree or shrub; ▪ Disturb the soil below a depth of 0.4 metres from the surface; or ▪ Do anything on or to the Land within the designated corridor which would or could damage or endanger the Pipelines; <p>without first obtaining the written consent of Vector.</p> <p>Landowners and/or developers can apply to Vector for consent to do any work on the land within the designation corridor. Vector will review each application with the landowner/developer and work to achieve the most suitable outcome for all parties. Vector may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.</p> <p>Vector agrees to not unreasonably withhold its consent</p> <p><i>Works or activities that would or could damage or endanger the Pipelines include, for example, the use of heavy compaction or vibration machinery or equipment, pile driving machinery and equipment, trenching, excavation or drilling (including micro drilling and directional drilling).</i></p>

2.2	No person shall undertake road opening, trenching, excavation or drilling (including micro drilling and directional drilling), or lay underground high voltage power lines either in parallel with or at right angles to Vector's gas pipelines, without first obtaining Vector's written approval.												
2.3	<p>However, the restrictions in 2.1 and 2.2 above do not apply, and Vector's consent is not required under section 176 of the Resource Management Act 1991 to the following activities, provided that a Road Opening Notice has been received from the Whangarei District Council:</p> <ul style="list-style-type: none"> • Any road widening or associated works in accordance with any existing road designation; • Any repair, maintenance or upgrade to existing road surface; • Any repair, maintenance or upgrade to any existing network utility infrastructure. <p>Provided in all cases that:</p> <ul style="list-style-type: none"> • Soil is not disturbed below a depth of 0.4m from the surface; and • After works, the finished surface level is not reduced below the pre-existing surface datum. <p>Where works in the above categories would exceed 0.4m in depth from the surface and/or after completion of such works the finished surface level is proposed to be reduced below the pre-existing surface datum then application shall be made to Vector Gas for consent to do the works. Vector Gas will review each application with the applicant and work to achieve the most suitable outcome for all parties. Vector Gas may give its written consent subject to reasonable conditions, and agrees to not unreasonably withhold its consent.</p>												
3.0	DESIGNATION CONDITIONS												
3.1	The works to give effect to the designation shall be generally in accordance with the plans and information submitted by Vector Gas Limited (Vector) in support of the Notice of Requirement in the documents entitled "Manukau – Whangarei Gas Pipelines – Notice of Requirement for a Designation" (Volumes 1, 2 and 3).												
3.2	<p>The maximum width of the designation shall be as follows:</p> <table border="1" data-bbox="459 1256 1385 1688"> <thead> <tr> <th data-bbox="459 1256 1054 1317">Locations</th> <th data-bbox="1054 1256 1385 1317">Designation Width</th> </tr> </thead> <tbody> <tr> <td data-bbox="459 1317 1054 1377">Within Road Reserve (<u>along</u> road/state highways)</td> <td data-bbox="1054 1317 1385 1377">6.0 metres</td> </tr> <tr> <td data-bbox="459 1377 1054 1438">Within Road Reserve (<u>across</u> road/state highways)</td> <td data-bbox="1054 1377 1385 1438">8.0 metres</td> </tr> <tr> <td data-bbox="459 1438 1054 1498">Within Rail Reserve (<u>across</u> railway corridors)</td> <td data-bbox="1054 1438 1385 1498">8.0 metres</td> </tr> <tr> <td data-bbox="459 1498 1054 1632">Non Road or Rail Reserve (land zoned other than Rural)</td> <td data-bbox="1054 1498 1385 1632">12.0 metres (other than those areas where the existing easement width is less than 12.0 metres wide.)</td> </tr> <tr> <td data-bbox="459 1632 1054 1688">Non Road or Rail Reserve (land zoned Rural)</td> <td data-bbox="1054 1632 1385 1688">12.0 metres</td> </tr> </tbody> </table>	Locations	Designation Width	Within Road Reserve (<u>along</u> road/state highways)	6.0 metres	Within Road Reserve (<u>across</u> road/state highways)	8.0 metres	Within Rail Reserve (<u>across</u> railway corridors)	8.0 metres	Non Road or Rail Reserve (land zoned other than Rural)	12.0 metres (other than those areas where the existing easement width is less than 12.0 metres wide.)	Non Road or Rail Reserve (land zoned Rural)	12.0 metres
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3.3	All pipeline maintenance, repair, upgrade or renewal activities outside road reserves that involve excavation shall be in accordance with the Guide to Land Access for the Oil and Gas Industry and Landowners.												
3.4	All pipeline maintenance, repair, upgrade or renewal activities within road reserves that involve excavation shall be subject to Road Opening Permit requirements of the Whangarei District Council.												
3.5	Where maintenance, repair, upgrade and renewal activities involving excavation are undertaken pursuant to the designation, appropriate sediment and erosion measures shall												

	be employed, in accordance with the Operative Whangarei District Plan.
3.6	Scheduled maintenance, repair, upgrade or renewal work and associated activities shall be limited to between the hours of 7am and 7pm, Monday to Saturday (excluding public holidays) unless the prior approval of the Council has been obtained.
3.7	All works or activities related to the designation shall be undertaken in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
3.8	The noise from maintenance works shall be measured, assessed and controlled in accordance with the procedures and limits set out NZS 6803:1999 Acoustics — Construction Noise.
3.9	Vector shall consult with Transit New Zealand at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations.
3.10	Vector shall consult with the Council at least 15 working days prior to carrying out any works or activities on, in or under Council-controlled roads, except in emergency situations.

Advice Notes

1. That pursuant to Section 36 of the Resource Management Act 1991, the requiring authorities are responsible for paying administrative charges relating to receiving, processing and making recommendations in respect of these requirements.
2. The requiring authorities are advised that the confirmation of these notices of requirement do not confer entitlement for additional pipes or infrastructure beyond what is already in place, and any additional work will be subject to the Outline Plan of Works process.
3. The requiring authorities are encouraged to consult with land owners and occupiers who may be affected by maintenance works to reach fair and reasonable arrangements for entry, and to address any matters regarding effects of maintenance activities in accordance with their respective obligations under the pipeline easement.
4. The requiring authorities are obliged to operate the pipelines and ancillary facilities in accordance with the requirements of NZ/AS2885: Pipelines – Gas and Petroleum Liquids, the Health and Safety in Employment (Pipelines) Regulations 1999, and in terms of the authorisation issued for those facilities under the Petroleum Act 1937.
5. An authority may need to be obtained from the New Zealand Historic Places Trust to destroy damage or modify an archaeological site(s) in accordance with the Historic Places Act 1993.
6. Prior to undertaking any maintenance works that may impact on land under the jurisdiction of Transit New Zealand, the requiring authorities should obtain and necessary consents from that authority.

Attachments:

1. Notice of Requirement & Submissions Received – NZRC Pt 1
2. Notice of Requirement & Submissions Received – NZRC Pt 2
3. Notice of Requirement & Submissions Received – Vector Gas

Attachment 1:

Notice of Requirement by NZRC (RC 39051)

&

Copies of Submissions Received

Attachment 2:

Notice of Requirement by NZRC (RC 40153)

&

Copies of Submissions Received

Attachment 3:

**Notice of Requirement by Vector Gas (RC 40434)
&
Copies of Submissions Received**