

30 September 2016

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PROPOSED AUCKLAND UNITARY PLAN: REFINING NZ DECISIONS ON DESIGNATIONS 6500 AND 6501

INTRODUCTION

1. This letter contains The New Zealand Refining Company Limited's ("Refining NZ") decisions relating to its designations in the Proposed Auckland Unitary Plan ("PAUP"), being Designations 6500 and 6501 ("Designations").

BACKGROUND

2. Refining NZ operates New Zealand's only oil refinery at Marsden Point, situated at the entrance to the Whangarei Harbour. Refining NZ also owns and operates the Refinery to Auckland Pipeline ("RAP"), a 170km long high pressure fuel products pipeline running from the refinery at Marsden Point to the Wiri Oil Terminal in South Auckland.
3. Refining NZ is a requiring authority with responsibility for a number of designations traversing several local authority districts in respect of the RAP. The notified version of the PAUP included two designations for the RAP (Designation 6500 – relating to rural sections;¹ and Designation 6501 – relating to urban sections).² Designations 6500 and 6501 are "rollover" designations under the PAUP, incorporating only minor amendments from Refining NZ's existing designations under several operative/legacy district plans.

¹ This is the section of the RAP traversing what was formerly Rodney District Council, being the section between Vipond Road, Topuni and Amreins Road, Taupaki.

² This is the section of the RAP between Amreins Road and the Wiri terminal at Roscommon Road, traversing the former Waitakere City, Auckland City and Manukau City Councils.

4. Six parties, including Refining NZ and Auckland Council made submissions on Refining NZ's PAUP Designations. As we go on to note below, all of those submissions were resolved through the PAUP process.

Section 142 reports – October 2015

5. The PAUP Independent Hearings Panel ("Panel") commissioned consultant reports on Refining NZ's Designations under s142 of the Local Government (Auckland Transitional Provisions) Act 2010 ("LG(ATP) Act 2010").³
6. The s142 reports for Refining NZ's Designations recommended that the Panel recommend Designations 6500 and 6501 for confirmation, with some minor corrections/amendments to the text of the Designations. The s142 reports also recommended that certain Designation mapping be reviewed and corrected as required.⁴
7. The minor amendments to the notified text of Designation 6500 and 6501 – as recommended in the s142 reports and agreed by the parties - do not amount to substantive changes to the purpose or operation of the Designations. The agreed changes are primarily to update references within the Designations in order to refer to current versions of documents (including local authority plans, and legislation), and to refer to current names of organisations (for example "Heritage New Zealand" as opposed to "The New Zealand Historic Places Trust").

PAUP hearing – 30 November 2015

8. At the PAUP hearing on Refining NZ's Designations, Refining NZ and Auckland Council were the only parties with remaining submission points (all other parties' submission points had been resolved). Refining NZ and Auckland Council both confirmed at the hearing that they agreed with all of the minor amendments recommended in the s142 reports, and that all remaining submission points on Refining NZ's Designations had been resolved in principle on the basis of the recommendations in the s142 reports, subject to Auckland Council providing evidence of certain mapping corrections to the Panel.⁵

³ Designation 6500 s142 report - dated 26 August 2015 (updated on 7 October 2015); and Designation 6501 s142 report - dated 14 August 2015 (updated on 4 October 2015), both authored by Harry Bhana.

⁴ Subsequently, Refining NZ provided to Auckland Council mapping data to update its Designation maps.

⁵ Refining NZ understands that Auckland Council subsequently confirmed to the Panel that it had updated its Designation maps in line with the mapping data that Refining NZ had earlier provided to it.

Panel recommendations – May 2016

9. In May 2016 the Panel released its recommendations on Designations 6500 and 6501. The Panel adopted the recommendations in the s142 reports (i.e. that the Designations be confirmed subject to the agreed minor amendments).⁶ The Panel also recommended that the Designation maps be updated in accordance with the latest set of maps from the Panel's GIS viewer.

Auckland Council decisions – 19 August 2016 (“Recommendations”)⁷

10. On 19 August 2016 Auckland Council released its decisions on Designations 6500 and 6501, accepting in full the Panel's recommendations (i.e. that the Designations be confirmed subject to the agreed minor amendments, and that the Designation maps be updated).

REFINING NZ'S DECISIONS ON AUCKLAND COUNCIL'S RECOMMENDATIONS

Text of Designations 6500 and 6501

Refining NZ's decisions

11. In accordance with s151 of the LG(ATP) Act 2010, Refining NZ **accepts in full** the Council's Recommendations on the text of Designations 6500 and 6501.
12. The full text of Designations 6500 and 6501, as decided by Refining NZ, is **attached** at **Attachment 1** (Designation 6500) and **Attachment 2** (Designation 6501). Because Refining NZ accepts the Council's Recommendations on the text of Designations 6500 and 6501 in full, no “track change” versions of the Designations are provided with these decisions.

Reasons for Refining NZ's decisions

13. Refining NZ accepts in full the Council's Recommendations relating to the text of the Designations. As such, Refining NZ is not required to provide reasons for its decisions (s151(4) of the LG(ATP) Act 2010).

⁶ In accordance with s144 of the LG(ATP) Act 2010.

⁷ Under s151(1) of the LG(ATP) Act 2010, Refining NZ is required to treat the Council decisions as if they were recommendations notified under clause 9(1) of Schedule 1 of the Resource Management Act 1991. Refining NZ therefore refers to the Council decisions as “Recommendations”. See also s148 of the LG(ATP) Act 2010.

Mapping of Designations 6500 and 6501

Refining NZ's decisions

14. In accordance with s151 of the LG(ATP) Act 2010, Refining NZ **accepts in part** (and rejects in part) the Council's Recommendations on the mapping of Designations 6500 and 6501.
15. Summary indications of the changes to the mapping associated with Refining NZ's decisions are **attached as Figures One and Two**. Figures One and Two show the location of Designations 6500 and 6501 in general accordance with Refining NZ's pipeline data (and in general accordance with these decisions of Refining NZ dated September 2016); and broadly indicate in red where the Designation mapping in Auckland Council's Recommendations of August 2016 is incorrect (i.e. inconsistent with Refining NZ's decisions).
16. For the avoidance of doubt, Refining NZ therefore rejects the mapping in the Council's Recommendations to the extent it is inconsistent with the mapping adopted in these decisions (i.e. the actual location of the RAP).
17. It is not practical to provide with these decisions detailed maps showing every location where the mapping of Designations 6500 and 6501 is different between Refining NZ's decisions and the Council's Recommendations.
18. Refining NZ will provide to Auckland Council the mapping data associated with Refining NZ's decisions on Designations 6500 and 6501, and will continue to work with Auckland Council to make the mapping changes accessible to interested parties (potentially through the Council's website).

Reasons for Refining NZ's decisions

19. Correct and accurate mapping of the Designations is important to ensure that readers of the PAUP understand the location, and therefore the application of, the Designations, and any implications for them under Part 8 of the Resource Management Act 1991.
20. During the PAUP process, Refining NZ provided Auckland Council with mapping data for Designations 6500 and 6501, for use in the Council's PAUP mapping. The Designation mapping in the Council's Recommendations departs from the data provided by Refining NZ. The Designation mapping in the Council's Recommendations also departs from the mapping in the notified version of the PAUP, and the mapping of Refining NZ's numerous

existing designations under the operative/legacy district plans. The distances between the Council's Recommendations mapping of the Designations and Refining NZ's decisions mapping is up to in the order of several metres. As shown in Figures One and Two, material lengths of the Designations are affected.

21. In light of the above, it is necessary for Refining NZ to correct the mapping of Designations 6500 and 6501 in these decisions.

ADMINISTRATIVE CLARIFICATION

22. For completeness, Refining NZ notes that during the PAUP process there was some confusion over which provisions attached to which Designation (i.e. Designation 6500 or 6501). For example, in the Council's Recommendations there was an administrative error whereby the text of each Designation was inadvertently transposed onto the report for the incorrect Designation (i.e. the text of Designation 6500 was provided under the report for "Designation 6501" and vice versa).⁸ This did not impact on the substance of the Designation wording that was ultimately recommended by the Council.
23. Refining NZ confirms that the provisions at **Attachment 1** and **Attachment 2** are correct, and that each set of provisions relates to the correct Designation reference number (6500 and 6501).

CONCLUSION

24. Please contact me if you have any queries regarding the above.

Yours faithfully



Sjoerd Post

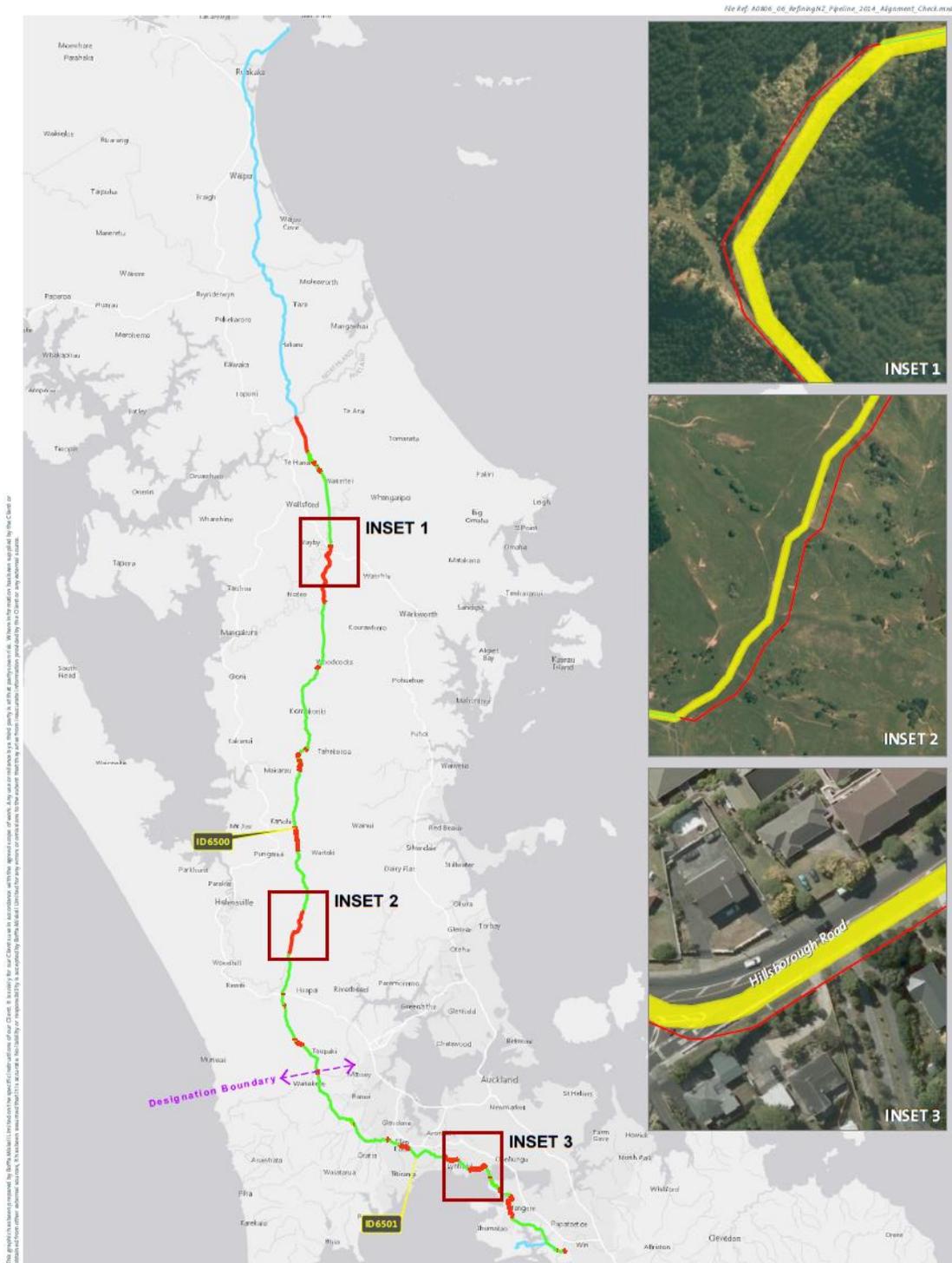
Chief Executive Officer

Refining NZ

⁸ Although the Council and the Panel were alerted to this issue before the Council's Recommendations were released, the administrative error was not corrected.



FIGURE ONE: IMAGE INDICATING WHERE AUCKLAND COUNCIL'S RECOMMENDED MAPPING OF DESIGNATIONS 6500 AND 6501 IS INCORRECT (BASED ON 2014 PIPELINE DATA)



Boffa Miskell
www.boffamiskell.co.nz

Data Sources: ESRI World BaseMap, Refining NZ, Boffa Miskell
Projection: NZGD 2000 New Zealand Transverse Mercator

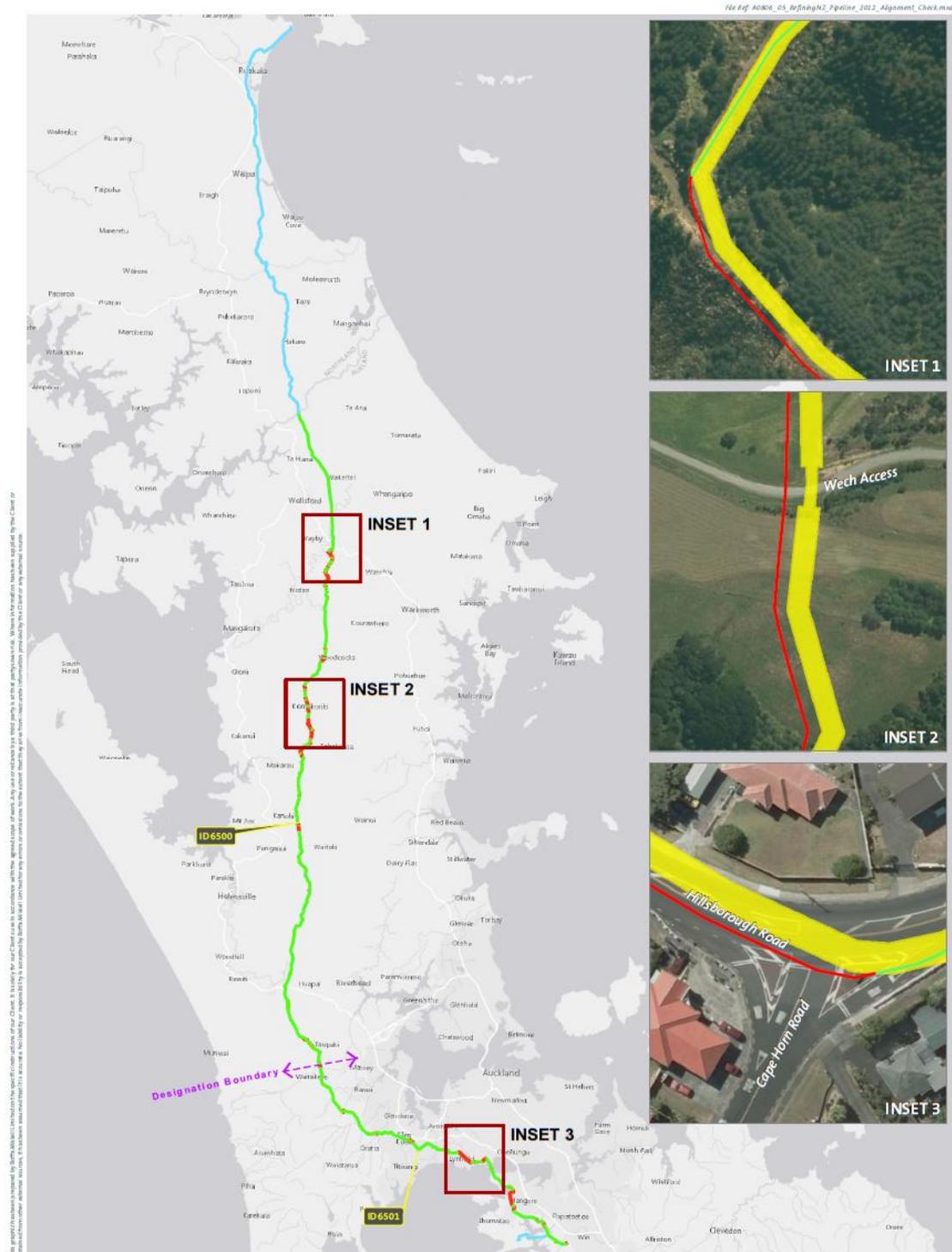
Legend

- Refining NZ Pipeline Not Subject to PAUP Designations
- Pipeline Affected by PAUP Designations
- Outside PAUP Designations
- Within PAUP Designations
- PAUP Designations (ID6500, ID6501)

A08063 REFINING NZ
Refining NZ Pipeline - PAUP Designations
Date: 20 September 2016 | Revision: 0
Plan Prepared by Boffa Miskell Limited
Project Manager: Catherine Clarke@boffamiskell.co.nz | Drawn: SGA | Checked: CB



FIGURE TWO: IMAGE INDICATING WHERE AUCKLAND COUNCIL'S RECOMMENDED MAPPING OF DESIGNATIONS 6500 AND 6501 IS INCORRECT (BASED ON 2012 PIPELINE DATA)



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0 5 10 km
1:360,000 @ A3
Data Sources: ESRI World Basemap, Refining NZ, Boffa Miskell
Projection: NZGD 2000 New Zealand Transverse Mercator

Legend
Refining NZ Pipeline Not Subject to PAUP Designations
Pipeline Affected by PAUP Designations
Outside PAUP Designations
Within PAUP Designations
PAUP Designations (ID6500, ID6501)

A08063 REFINING NZ
Refining NZ Pipeline - PAUP Designations
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**ATTACHMENT 1: DESIGNATION 6500 – RURAL SECTION (REFINING NZ DECISIONS
VERSION – SEPTEMBER 2016)**

6500 Petroleum Pipeline - Rural Section

Designation Number	6500
Requiring Authority	New Zealand Refining Company Ltd (Refining NZ)
Location	102 Amreins Road, Taupaki to 109 Vipond Road, Topuni
Rollover Designation	Yes
Legacy Reference	Designation 620, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

The designation by The New Zealand Refining Company Limited (Refining NZ) 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 refined fuel products and described as follows:

- a. The existing 275mm petroleum transmission pipeline;
- b. The existing isolation valves;
- c. Cathodic protection terminals; and
- d. Surface marker posts and warning signage, located between the northern district boundary extending from Mangawhai Road at Kaiwaka and the southern district boundary extending from the former Waitakere City Boundary at Amreins Road, Taupaki.

The following limitations apply:

- i. Renewal shall be limited to works on the petroleum transmission pipeline and will be limited to the replacement of sections of the pipeline with sections having equivalent diameter, and no more than [50] lineal metres of pipeline will be excavated at any particular time; and
- ii. Upgrade will be limited to adding or replacing above the ground components, provided the relevant district Plan permitted activity standards are complied with.

The contact details for Refining NZ are:

Postal Address: Private Bag 9024, Whangarei, New Zealand
Telephone: +64 9 432 8311
Facsimile: +64 9 432 8035
Email: corporate@refiningnz.com

Conditions

Restrictions of the Designation

1. a. No person shall:

- i. Erect any structure; or
- ii. Erect a fence with supports which extend more than 0.4m into the ground from the surface; or
- iii. Plant any tree or shrub; or
- iv. Disturb the soil below a depth of 0.4 m from the surface; or
- v. Do anything on or to the land which would or could damage or endanger the pipeline within the designated corridor without first obtaining the written consent of Refining NZ.

For the avoidance of doubt, such written consent shall not be required for ordinary cultivation, digging, excavating, tilling and working soil to a depth of less than 0.4m or where Refining NZ has provided specific written approval prior to the designation coming into effect. A minimum of 1m cover shall remain above the top of the pipe after any ordinary cultivation, digging or excavation has taken place.

Landowners and/or developers can apply to Refining NZ for consent to do any work on the land within the designation corridor. Refining NZ will review each application with the landowner and /or developer and work to achieve the most suitable outcome for all parties. Refining NZ may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.

Refining NZ agrees to not unreasonably withhold its consent.

Works or activities that would or could damage or endanger the pipeline include, for example, the use of heavy compaction or vibration machinery and equipment, pile-driving machinery and equipment, trenching, excavation or drilling (including micro drilling and directional drilling).

b. 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 intersecting Refining NZ's petroleum pipeline, without first obtaining Refining NZ's written approval.

c. However, the restrictions in a. and b. above do not apply, and Refining NZ's consent is not required under section 176 of the RMA to undertake:

- i. Any works authorised by an earlier designation;
- ii. Any repair, maintenance or upgrade to any existing network utility infrastructure, provided that:
 - A Road Opening Notice has been obtained from Auckland Transport;
 - 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.

d. Where works other than those authorised by an earlier designation would exceed a depth of 0.4m 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 Refining NZ for consent to do the works. Refining NZ will review each application with the applicant and work to achieve the most suitable outcome for all parties. Refining NZ may give its written consent subject to reasonable conditions, and agrees not to unreasonably withhold its consent.

General

2. Subject to these conditions, all works shall be undertaken in general accordance with the plans and information submitted by requiring authority in the documents entitled “Proposed Designation Relating to the Refinery to Auckland Pipeline” and additional information received 20 December 2007 entitled NZRC Pipeline Designation DRAFT — Rodney District Council (version 1: December 2007).

Designation Width

3. The maximum width of the designation shall be as follows:

- a. For land not within roads or rail corridor 12m; and
- b. For land comprising roads and rail corridor under which the pipeline crosses, or is contained within, 6m.

Engineering Standards

4. All works in, on or under Council roads shall be carried out in accordance with the requirements of the Council’s then current Standards for Engineering Design and Construction.

Road Opening

5. Any maintenance, repair, upgrade or renewal works associated with the pipeline within public roads within the designation shall be carried out in accordance with the document “National Code of Practice for Utility Operators’ Access to Transport Corridors (2011) or its successor” and a Road Opening Notice obtained from the Road Controlling Authority prior to the works commencing.

Pipeline Maintenance

6. All pipeline maintenance, repair, upgrade and 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.

Utility Services

7. Any utilities within the designation shall be protected from the adverse effects of maintenance, repair, upgrade or renewal works.

Overland Flow Paths

8. Existing overland flow paths shall not be impeded by any maintenance, repair, upgrade or renewal works carried out within the designation.

Existing Overhead Lines

9. 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 (NZECP 34:2001).

Earthworks

10. 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 current Unitary Plan standards. Prior to any earthworks within the designation the appropriate sediment control devices as per Auckland Regional Council Technical Publication No. 90 “Erosion and Sediment Control Guidelines for Land Disturbing activities in the Auckland Region” shall be installed.

Hours of Maintenance

11. 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.

Noise

12. The noise from maintenance works, repair, upgrade and renewal activities shall be measured, assessed and controlled in accordance with the procedures and limits set out in NZS 6803:1999 Acoustics Construction Noise.

Welding, Dust and Smoke

13. Maintenance works, repair, upgrade and renewal activities shall comply with the following:

All welding activities shall be screened from adjacent sites and roads.

No activity (apart from traffic travelling on formed roads, or activities authorised by resource consent for a discharge of contaminants into air) shall create a dust or smoke nuisance, which is discernible beyond the boundary of the site or sites on which the activity is being undertaken. For the purposes of this condition a dust or smoke nuisance will occur if the Council considers there is visible evidence of noxious, dangerous, offensive or objectionable deposited particulate matter settling on the ground, a building, or structure, which is traceable from a dust or smoke source; or if the Council considers that the level of dust or smoke, beyond the boundary of the site or sites on which the activity is being undertaken, is noxious, dangerous, offensive or objectionable. In making its determination as to whether there is or is not a dust or smoke nuisance, the Council shall take into account the character of the zone in which the dust or smoke is created.

Note:

- a. In addition to this condition the Auckland Unitary Plan has rules relating to the discharge of smoke and dust.*
- b. It is the nature of the rural area that rural farming activities are undertaken that will create a level of dust and/or smoke as a part of reasonable farming activities. However, this does not exempt farming activities from meeting any relevant rules.*
- c. In making the above determination Council shall utilise suitably qualified and experienced persons where possible.*

Consultation with NZTA

14. The requiring authority shall consult with New Zealand Transport Agency (NZTA) at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations.

Written Approval from the Requiring Authority

15. The Requiring Authority shall respond within 15 working days of receiving any request for its written approval under section 176 of the RMA.

Advice Notes

1. Access to overhead electricity transmission lines, poles or supporting structures shall be maintained at all times in accordance with the Electricity Act 1992.
2. All land use activities within the designation corridor must comply with the New Zealand Code of Practice for Electrical Safety Distances (NZECP) 34:2001.
3. Any new structures within the designation may be subject to a Building Consent where applicable.
4. Refining NZ has confirmed that it will consult with land owners and occupiers who may be affected by maintenance works, repair, upgrade and renewal activities to reach fair and reasonable arrangements for entry, and to address any matters regarding effects of maintenance, repair, upgrade and renewal activities, including restoring the surface of the land following maintenance, in accordance with its relevant obligations under the pipeline easement.
5. This designation traverses earlier Auckland Council roading, New Zealand Railway Corporation railway and NZTA designations that are protected pursuant to sections 176 and 177 of the RMA, and State Highways which are protected pursuant to sections 51 and 52 of the Government Roding Powers Act 1989. Where that occurs, the Requiring Authority may only carry out its activities with the written consent of the earlier requiring authorities.
6. The Requiring Authority is obliged to operate the pipelines and ancillary facilities in accordance with the requirements of AS2885: Pipelines — Gas and Petroleum Liquids, the Health and safety in Employment (Pipelines) Regulations 1999 and in accordance with the authorisations issued for those facilities in terms of the Petroleum Act 1937.
7. Emergency works may be performed in line with the Vector advice booklet by excavation to 0.4m depth and thereafter the use of hand tools only. Emergency operations should be notified immediately to Vector or their agent who provide an on-call service outside of normal working hours.
8. An authority may need to be obtained from Heritage New Zealand to destroy, damage or modify an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.
9. Where any maintenance works, repair, upgrade and renewal activities affect any stream or river or where earth works are undertaken the requiring authority will need to obtain any necessary consents from the Auckland Council prior to the works commencing.
10. For the avoidance of doubt, the Requiring Authority has confirmed that it accepts that nothing in the conditions limits, or is intended to limit, the potential obligation under section 176A of the RMA to provide an Outline Plan of works in appropriate circumstances.

Attachments

No attachments.

ATTACHMENT 2: DESIGNATION 6501 – URBAN SECTION (REFINING NZ DECISIONS VERSION – SEPTEMBER 2016)

6501 Petroleum Pipeline - Urban Section

Designation Number	6501
Requiring Authority	New Zealand Refining Company Ltd (Refining NZ)
Location	102 Amreins Road, Taupaki to 149 Roscommon Road, Wiri
Rollover Designation	Yes
Legacy Reference	Designation NZRC1, Auckland Council District Plan (Waitakere Section) 2003; Designation G0306 Auckland Council District Plan (Isthmus Section) 1999; and Designation 296, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

The designation by The New Zealand Refining Company Ltd (Refining NZ) 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 refined fuel products and described as follows:

- a. The existing 275mm petroleum transmission pipeline;
- b. The existing isolation valves;
- c. Cathodic protection terminals; and
- d. Surface marker posts and warning signage, located between the northern district boundary extending from the former Waitakere City Boundary at Amreins Road, Taupaki and the Wiri Oil Services Terminal at 149 Roscommon Road, Wiri, Manukau City.

The following limitations apply:

- i. Renewal shall be limited to works on the petroleum transmission pipeline and will be limited to the replacement of sections of the pipeline with sections having equivalent diameter, and maximum allowable operating pressure of no more than (9.0MPa) and no more than [20] lineal metres of pipeline will be excavated within any 14 day period.
- ii. Upgrade will be limited to adding or replacing aboveground components provided the applicable Unitary Plan permitted activity standards are complied with and the maximum allowable operating pressure is not increased. Above ground components are limited to:
 - The existing isolation valves;
 - The existing cathodic protection terminals;
 - Surface marker posts; and
 - Warning signage.
- iii. All activities within road reserve shall be in accordance with the requirements of " Code of Practice for Utility Operators' Access to Transport Corridors (2011) or its successor "; and
- iv. All activities within land other than the road reserve shall be in accordance with the Guide to Land Access for the Oil and Gas Industry and Landowners.

The contact details for Refining NZ are:

Postal Address: Private Bag 9024, Whangarei, New Zealand

Telephone: +64 9 432 8311
Facsimile: +64 9 432 8035
Email: corporate@refiningnz.com

Conditions

Restrictions of the Designation

1. a. No person shall:
- i. Erect any structure; or
 - ii. Plant any tree or shrub; or
 - iii. Disturb the soil below a depth of 0.4m; or
 - iv. Do anything on or to the land which would or could damage or endanger the pipeline,
- without first obtaining the written consent of Refining NZ.

For the avoidance of doubt, such written consent shall not be required for ordinary cultivation, digging, excavating, tilling and working soil to a depth of less than 0.4m or where Refining NZ has provided specific written approval prior to the designation coming into effect. A minimum of 1m cover shall remain above the top of the pipe after any ordinary cultivation, digging or excavation has taken place.

Landowners and/or developers can apply to Refining NZ for consent to do any work on the land within the designation corridor. Refining NZ will review each application with the landowner and/or developer and work to achieve the most suitable outcome for all parties. Refining NZ may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.

Refining NZ agrees to not unreasonably withhold its consent.

Works or activities that would or could damage or endanger the pipeline include, for example, the use of heavy compaction or vibration machinery and equipment, pile-driving machinery and equipment, trenching, excavation or drilling (including micro drilling and directional drilling).

b. 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 intersecting Refining NZ's petroleum pipeline, without first obtaining Refining NZ's written approval.

c. However, the restrictions in a. and b. above do not apply, and Refining NZ's consent is not required under section 176 of the RMA to the following activities, provided that i. Road Opening Notice has been obtained from the Road Controlling Authority:

- ii. Any road widening or associated works in accordance with any existing road designation;
- iii. Any repair, maintenance or upgrade to existing road surface;
- iv. Any repair, maintenance or upgrade to any existing network utility infrastructure.

Provided in all cases that:

- 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.

Where works other than those authorised by an earlier designation would exceed a depth of 0.4m 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 Refining NZ for consent to do the works. Refining NZ will review each application with the applicant and work to achieve the most suitable outcome for all parties. Refining NZ may give its written consent subject to reasonable conditions, and agrees not to unreasonably withhold its consent.

Emergency works may be performed in line with the Vector Gas advice booklet by excavation to 0.4m depth and thereafter the use of hand tools only. Emergency operations should be notified immediately to Refining NZ or their agent (Vector Gas Ltd) who provide an on-call service outside of normal working hours.

General

2. Subject to these conditions, works shall be undertaken in general accordance with the plans and information submitted by the requiring authority in support of the Notice of Requirement in the documents entitled "Proposed Designation Relating to the Refinery to Auckland Pipeline".

3. The maximum width of the designation shall be as follows:

- a. For land, not including roads and rail corridor 12m; and
- b. For land comprising roads and rail corridor under which the pipeline crosses, or is contained within, 6m.

For the avoidance of doubt, where the designation applies to road or rail corridors the designation shall not extend across any adjacent private property, except to the extent that private property is subject to an easement in favour of Refining NZ.

4. All pipeline maintenance, repair, upgrade and renewal activities within road reserves that involve excavation shall be pursuant to a Road Opening Notice and shall be subject to the Road Opening Notice requirements of the Council and carried out in accordance with "Code of Practice for Utility Operators' Access to Transport Corridors (2011) or its successor".

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 current Unitary Plan standards.

6. Refining NZ shall at all times ensure that access between parts of any property held in single ownership temporarily severed by maintenance, repair, upgrade and renewal activities is maintained to a level that will enable, as far as practicable, normal activities on the property to continue.

7. Within road reserves 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) except:

- a. where otherwise stated in a Traffic Management Plan, to the satisfaction of the Council; or
- b. with the prior approval of the Road Controlling Authority.

8. 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 (NZECP 34:2001).

9. The noise from maintenance works, repair, upgrade and renewal activities shall be measured, assessed and controlled in accordance with the procedures and limits set out in NZS 6803:1999 Acoustics – Construction Noise.

10. Refining NZ shall consult with New Zealand Transport Agency (NZTA) at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations.

11. Refining NZ shall consult with Auckland Transport at least 15 working days prior to carrying out any works or activities on, in or under Council-controlled roads, except in emergency situations.

12. The requiring authority shall respond within 15 working days of receiving any request for its written approval under section 176 of the RMA.

Advice Notes

1. Access to overhead electricity transmission lines, poles or supporting structures shall be maintained at all times in accordance with the Electricity Act 1992.

2. Refining NZ has confirmed that it will consult with land owners and occupiers who may be affected by maintenance works, repair, upgrade and renewal activities to reach fair and reasonable arrangements for entry, and to address any matters regarding effects of maintenance, repair, upgrade and renewal activities, including restoring the surface of the land following maintenance, in accordance with its relevant obligations under the pipeline easement.

3. The Requiring Authority is obliged to operate the pipelines and ancillary facilities in accordance with the requirements of AS2885: Pipelines – Gas and Petroleum Liquids, the Health and Safety in Employment (Pipelines) Regulations 1999 and in accordance with the authorisations issued for those facilities in terms of the Petroleum Act 1937.

4. This designation traverses earlier Auckland Council roading, New Zealand Railway Corporation and NZTA designations that are protected pursuant to sections 176 and 177 of the RMA, and State Highways which are protected pursuant to sections 51 and 52 of the Government Roding Powers Act 1989. Where that occurs, the Requiring Authority may only carry out its activities with the written consent of the earlier requiring authorities.

5. An authority may need to be obtained from Heritage New Zealand to destroy, damage, or modify an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.

Attachments

No attachments.