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27th September 2016

By Email: unitaryplan@aucklandcouncil.govt.nz

Attention: Celia Davison

Dear Celia

**RE: DECISION OF WIRI OIL SERVICES LIMITED IN RELATION TO THE
RECOMMENDATION OF AUCKLAND COUNCIL ON DESIGNATION 9700 WIRI
TO AUCKLAND PIPELINE IN THE PROPOSED AUCKLAND UNITARY PLAN**

On behalf of our client Wiri Oil Services Limited (*WOSL*), please find attached its decision in respect of the recommendation of Auckland Council to confirm *WOSL*'s Designation 9700 for the Wiri to Airport Pipeline (*WAP*) in the Proposed Auckland Unitary Plan (*PAUP*) with minor modifications.

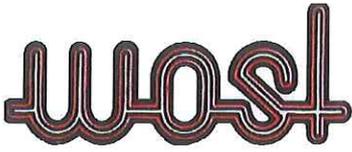
The discussion is pursuant to Section 172 and Clause 13 of the First Schedule of the Resource Management Act 1991.

Yours sincerely,

BURTON PLANNING CONSULTANTS LIMITED



Georgina McPherson
Principal Planner



WIRI OIL SERVICES LIMITED



WIRI OIL TERMINAL
149 – 187 ROSCOMMON ROAD
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DECISION OF REQUIRING AUTHORITY UNDER SECTION 172 AND CLAUSE 13 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Attention: Manager Unitary Plan

From: Wiri Oil Services Limited (WOSL)
PO Box 76-373
Manukau City

In accordance with the provisions of the Section 172 and Clause 13 to the First Schedule of the Resource Management Act 1991, WOSL hereby makes the following decision in relation to the recommendations of Auckland Council on WOSLs Designation 9700, received on 19 August 2016.

The Council's recommendation is as follows:

1.0 Recommendation to WOSL on Designation 9700 included in the PAUP

The recommendation of the Auckland Council¹ is that WOSL confirms the notice of requirement for modifications to Designation 9700 included in the Proposed Auckland Unitary Plan (PAUP) subject to the further modifications shown in Attachment 1 of the report entitled '*Report to Auckland Council Hearing topic 074 Designations – Wiri Oil Services Limited, May 2016*'.

The further modifications are outlined below and are the modifications sought by WOSL in its own submission. No submissions were received from any other party.

Further Modifications to Condition 11(d)

(additions underlined; deletions in strikethrough)

11(d) The Requiring Authority's approval is not required under sections 176 or 177 of the RMA for the following activities:

¹ Refer to section 71 of the report entitled '*Decisions of the Auckland Council on recommendations by the Auckland Unitary Plan Independent Hearings Panel on submissions and further submissions to the Proposed Auckland Unitary Plan, Attachment E, Designations (Parts 1, 2 and 3), 19 August 2016*', which records that the Council's decision is to accept the recommendation of the Auckland Unitary Plan Hearing Panel regarding WOSL's designation 9700.

- i. Road widening or associated works in accordance with an existing road designation;
- ii. Repair, maintenance or upgrading of an existing road surface;
- iii. Repair, maintained or upgrading of any existing network utility infrastructure;

Prior to undertaking works or activities under (i)-(iii), where a Corridor Access Request ("CAR") Road Opening Notice ("RON") has been must be first obtained from the Council where required. In addition, all works or activities must comply with the following requirements: provided in all cases that:

- Soil is not disturbed below a depth of 0.4m from the surface; and
- The finished surface level is not reduced below the pre-existing surface datum; and
- No structure is erected or tree or shrub planted within the designated corridor.

2.0 Decision of Requiring Authority

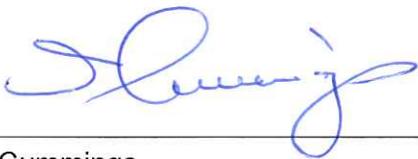
WOSL hereby accepts, in full, the recommendation of the Auckland Council that Designation 9700 be confirmed in the PAUP subject to the further modifications shown in Attachment 1 of the report entitled 'Report to Auckland Council Hearing topic 074 Designations – Wiri Oil Services Limited, May 2016'.

The Designation is, therefore, confirmed without further amendment.

The relevant entry in the PAUP for Designation 9700 is set out in full in Attachment 1.

DATED

26/9/16



Ian Cummings
General Manager
Wiri Oil Services Limited

Attachment 1: Wiri Oil Services Limited – Designation 9700 – Wiri to Airport Pipeline

Number	Purpose	Location
9700	Jet fuel transmission purposes	149 Roscommon Road (Wiri Oil Terminal) to the intersection of Orrs Road and Puhinui Road (Auckland International Airport), Wiri

Designation Number	9700
Requiring Authority	Wiri Oil Services Ltd
Location	149 Roscommon Road (Wiri Oil Terminal) to the intersection of Orrs Road and Puhinui Road (Auckland International Airport), Wiri
Rollover Designation	Yes
Legacy Reference	Designation 309, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Jet fuel transmission purposes.

Conditions

General

1. For the purpose of these conditions:
 - a) Renewal means the replacement of above ground components and the excavation and renewal of sections of the pipe up to 200 mm in diameter. Where practicable the requiring authority shall endeavour to limit excavation and renewal of pipelines to a maximum of 20 lineal metres of pipeline per 14 calendar day period;
 - b) Upgrade means adding aboveground components relating to existing isolation valves, cathodic protection terminals, surface markers and warning signage, that are of a similar scale and character; and
 - c) Road has the same meaning as in section 2 of the Resource Management Act 1991 (“the RMA”).

2. The stated purpose of the designation shall be included in Part 7 of the Auckland Unitary Plan as follows: jet fuel transmission purposes.

3. *The works undertaken to give effect to the designation shall be generally in accordance with the plans and information submitted by Wiri Oil Services Limited (“the Requiring Authority”) including Proposal 36647, pipeline route maps, Sheets No 1 – No 11 included as attachment B to the Notice of Requirement.*
4. *The designation corridor shall be a 12 m wide strip on land other than roads, and a 6 m wide strip on land comprising road, as shown on the pipeline route maps - Sheets No 1 - No 11 included as Attachment B to the Notice of Requirement.*
5. *For the avoidance of doubt, where the designation applies to road corridors the designation shall not extend across any adjacent private property unless that private property is subject to an easement in relation to the WAP.*
6. *The Requiring Authority shall respond within 15 working days of receiving any request for its written approval under Sections 176 or 177 of the RMA.*
7. *Prior to the commencement of any physical works within the Designation, the Requiring Authority shall submit to Council an Outline Plan of Works pursuant to Section 176A of the RMA unless condition 27 applies.*
8. *In the event of archaeological features being uncovered (e.g. shell midden, hangi, oven stones, pit depressions, defensive ditches, artefact material, or koiwi tangata [human skeletal remains]), non-emergency works shall cease within a 10 m radius of the discovery and the council, the New Zealand Historic Places Trust and the appropriate iwi authorities shall be contacted within 72 hours so that appropriate action can be taken. In the event of emergency works, all reasonable steps shall be taken to protect archaeological features and all parties shall be contacted as soon as practicable.*
9. *The Requiring Authority shall meet all its own costs associated with reviewing any proposal by council to undertake roading works or activities.*
10. *Access to overhead electricity transmission lines, poles or supporting structures is permitted at all times in accordance with the Electricity Act 1992.*

Land Comprising Roads

11.
 - a) *On land comprising roads the maximum width of the designation shall be 6 m.*
 - b) *On land comprising roads within the designation corridor, no person other than the Requiring Authority shall disturb the soil below a depth of 0.4 m from*

the surface without the prior written approval of the Requiring Authority or its authorised agent pursuant to sections 176 and/or 177 of the RMA.

- c) *Within the designation corridor 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 intersecting the Requiring Authority's pipeline, without first obtaining the latter's written approval.*
- d) *The Requiring Authority's approval is not required under sections 176 or 177 of the RMA for the following works or activities:*
- i. *Road widening or associated works in accordance with an existing road designation;*
 - ii. *Repair, maintenance or upgrading of an existing road surface;*
 - iii. *Repair, maintenance or upgrading of any existing network utility infrastructure;*

Prior to undertaking works or activities under (i)-(iii), a Corridor Access Request ("CAR") must be first obtained from the Council where required. In addition, all works or activities must comply with the following requirements:

- *Soil is not disturbed below a depth of 0.4 m from the surface; and*
- *The finished surface level is not reduced below the pre-existing surface datum; and*
- *No structure is erected or tree or shrub planted within the designated corridor.*

- e) *Emergency works may be performed in line with the Vector advice booklet (dated 2004) by excavation to 0.4m depth below the surface and thereafter the use of hand tools only. Emergency operations should be notified immediately to Vector Gas Ltd or their agent who provide an on-call service outside of normal working hours.*

12. Land other than Roads

- a) *For land other than roads the maximum width of the designation shall be 12 metres.*
- b) *Within the designation corridor no person other than the Requiring Authority shall:*
- i. *Erect any structure;*
 - ii. *Plant any tree or shrub;*
 - iii. *Disturb the soil below a depth of 0.4 m; or*

- iv. *Do anything on or to land which may damage or endanger the pipeline without the prior written approval of the Requiring Authority or its authorised agent pursuant to sections 176 and/or 177 of the RMA.*
- c) *For the avoidance of doubt, such written approval is not required for ordinary cultivation, digging, or excavating, tilling and working soil to a depth of less than 0.4m.*

13. *A minimum of 1.5 m cover shall remain above the top of the pipe after any ordinary cultivation, digging or excavation has taken place.*

Pipeline Works

14. *All pipeline maintenance, repair, upgrade and renewal works or activities that involve excavation on land comprising road within the designation corridor shall be done pursuant to a RON, shall be subject to the RON requirements of council, and shall be carried out in accordance with the Code of Practice for Working in the Road, SNZ HB 2002:2003.*

15. *All pipeline maintenance, repair, upgrade, and renewal works or activities that involve excavation on land other than road within the designation corridor shall be in general accordance with section 5 "Notice of Entry and Programme of Works" pages 29-30 of Federated Farmers' Guide to Land Access for the Oil and Gas Industry and Landowners: 2002.*

16. *The Requiring Authority shall at all times ensure that access between parts of any property held in single ownership temporarily severed by works or activities is maintained to a level that will, as far as is practicable, enable normal activities on the property to continue.*

17. *On land comprising road within the designation corridor:*

- a) *Scheduled maintenance, repair, upgrade or renewal and associated activities shall take place between the hours of 7am and 7pm Monday to Saturday (excluding public holidays) except:*
 - i. *where otherwise approved in a Traffic Management Plan ("TMP") submitted under the RON process to the satisfaction of Council; or*
 - ii. *in the event of an emergency; or*
 - iii. *with the prior written approval of Council; and*
- b) *Non-emergency works or associated activities shall take place between 7am to 9am and 4pm to 6pm weekdays on all arterial roads except:*
 - i. *with the prior written permission of Council; or*
 - ii. *in the event of an emergency.*

- c) *The above restrictions do not apply to site works and trenches which may remain open, subject to approved provisions of the TMP required by Condition 18.*
18. *The Requiring Authority shall submit a detailed TMP to the satisfaction of the Council at least 30 working days prior to commencing major programmed maintenance, repair, upgrade or renewal works.*
19. *Specific areas to be addressed in the TMP required by condition 18 must include:*
- a. *the temporary diversion of traffic during construction;*
 - b. *traffic safety;*
 - c. *control at intersections;*
 - d. *hours of work for heavily trafficked roads;*
 - e. *maintenance of road and property access;*
 - f. *movement of construction traffic on local roads; and*
 - g. *ensuring that access between parts of any property temporarily severed by works is maintained to a level that will enable, as far as is practicable, normal operations on the property to continue.*
20. *All traffic and pedestrian control measures detailed in the TMP must conform to the New Zealand Transport Agency's manual: Code of Practice for Temporary Traffic Management 2004 ("CoPTTM").*
21. *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).*
22. *The noise from works shall be measured, assessed and controlled in accordance with the procedures and limits set out in NZC6803:1999 Acoustics – Construction Noise.*
23. *Where excavation activities are undertaken pursuant to the designation, appropriate sediment and erosion control measures shall be employed, in accordance with Technical Publication 90 - TP90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region.*

Consultation

24. *The Requiring Authority shall consult with the New Zealand Transport Agency at least 30 working days prior to carrying out any works or activities on, in or under State Highway 20B, except in emergency situations.*

25. *The Requiring Authority shall consult with Council at least 30 working days prior to carrying out any works or activities on, in or under Council controlled roads, except in emergency situations or as otherwise agreed with the Council.*
26. *The Requiring Authority shall consult with and obtain Section 177 RMA approval from the NZ Refining Company Ltd ("NZRC") at least 30 working days prior to carrying out any proposed works or activities within designation 6501 RAP Petroleum Pipeline (Urban Section) - except in emergency situations where excavation below 0.4 m shall be performed by hand. The Requiring Authority shall notify NZRC or its authorised agent of any emergency works undertaken as soon as practicable.*
27. *Prior to undertaking any works within 10 metres of the centreline of the Puhinui Stream the Requiring Authority shall either submit an Outline Plan of Works or seek the agreement of Council – Stormwater Policy and comply with all their relevant conditions at no cost to Council.*
28. *The Requiring Authority shall consult with and provide written notice to all directly affected landowners regarding any proposed excavation works or activities on, in or under land within the designation corridor at least 21 working days prior to carrying out any such works or activities, except in emergency situations or as otherwise agreed with the landowners.*
29. *The Requiring Authority shall advise Council and any potentially affected landowner as soon as practicable following any WAP leak or spillage of fuel that may affect land either within or outside of the designation corridor.*