

## Appendix B: Officer’s Recommended Amendments to CTS – Channel Terminal Services Limited

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with red underline used for new text and ~~red strikethrough~~ for deleted text).

### CTS — Channel Terminal Services Limited

<b>Designation unique identifier</b>	CTS D-1
<b>Designation purpose</b>	Transmission pipeline for the transportation of petroleum products
<b>Site identifier</b>	<b>Site name:</b> Marsden to Wiri Petroleum Pipeline <b>Site description:</b> The existing petroleum transmission pipeline at the South-eastern boundary between Auckland and Kaipara at Allot NE73 PSH of Oruawhoro near Vipond Road and the Whangarei District Council boundary in the North near Artillery and Massey Roads.
<b>Lapse date</b>	Given effect
<b>Designation hierarchy under section 177 of the Resource Management Act</b>	Primary sharing corridor with the Gas transmission pipeline FGL D-1
<b>Conditions</b>	As set out below
<b>Additional information</b>	Rolled over without modification. <b>Legacy reference:</b> D63 <b>Underlying zone:</b> General Rural Zone

### Conditions

<b>Purpose of Designation</b>
<p>1. The designation by Channel Terminal Services Limited (CTS) 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:</p> <ol style="list-style-type: none"> <li>a. The existing 275mm petroleum transmission pipeline;</li> <li>b. The existing isolation valves;</li> <li>c. Cathodic protection terminals; and</li> <li>d. Surface marker posts and warning signage.</li> </ol> <p>Located between the northern district boundary extending from Artillery Road and the southern district boundary extending from Mangawhai Road at Kaiwaka.</p> <p>2. The designation is subject to the following limitations:</p> <ol style="list-style-type: none"> <li>a. Renewal shall be limited to works on the petroleum transmission pipeline and will be limited to 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.</li> <li>b. Upgrade will be limited to adding or replacing aboveground components provided the district plan relevant permitted activity standards are complied with.</li> </ol> <p>3. The designation affects land legally described in Appendix III “List of Property Owners located along the RAP Route” to the Notice of Requirement as submitted to Kaipara District Council.</p>
<b>Restrictions of Designation</b>
<p>1. No persons shall:</p> <ol style="list-style-type: none"> <li>a. Erect any structure; or</li> <li>b. Erect any fence with supports which extend more than 0.4m into the ground from the surface; or</li> <li>c. Plant any tree or shrub; or</li> <li>d. Disturb the soil below a depth of 0.4m from the surface; or</li> <li>e. Do anything on or to the land which would or could damage or endanger the pipeline</li> </ol>

within the designated corridor without first obtaining the written consent of CTS.

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

CTS agrees to not unreasonably withhold its consent.

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).

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 intersecting CTS's petroleum pipeline, without first obtaining written approval from CTS.
3. However, subject to restriction 4, the restrictions in 1 and 2 above do not apply, and consent from CTS is not required under section 176 of the Resource Management Act 1991 to the following activities, provided that a Road Opening Notice has been obtained from the Kaipara District Council:
  - a. Any road widening or associated works;
  - b. Any repair, maintenance, or upgrade to existing road surface; and
  - c. Any repair, maintenance, or upgrade to any existing network utility infrastructure.

Provided in all cases that:

- i. Soil is not disturbed below a depth of 0.4m from the surface; and
- ii. After works, the finished surface level is not reduced below the pre-existing surface datum.

Where works in the above categories 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 CTS for consent to do the works. CTS will review each application with the applicant and work to achieve the most suitable outcome for all parties. CTS may give its written consent subject to reasonable conditions and agrees not to unreasonably withhold its consent.

4. The exception provided by restriction 2.3 will only apply from the date Kaipara District Council formally adopts and implements either the Code of Practice for Working in the Road, Auckland Region, or a National Code of Practice for Working in Roads, which may be developed pursuant to the January 2008 Cabinet paper Management of Utilities' Access to Road, Rail and Motorway Corridors, provided the Code of Practice adopted and implemented contains provisions substantially similar to those contained in the Code of Practice for Working in Roads, Auckland Region, requiring notification to utility providers of works intended by other parties in the vicinity of existing utility infrastructure.

### 3. Conditions

1. Subject to these conditions, works shall be undertaken in general accordance with the plans and information submitted by the requiring authority in the documents entitled "Proposed Designation Relating to the Refinery to Auckland Pipeline".
2. The maximum width of the designation shall be as follows:
  - a. for land, not including roads 12 metres.
  - b. for land comprising roads and rail corridor under which the pipeline crosses or is contained within 6 metres.
3. All pipeline maintenance, repair, upgrade, and renewal activities within road reserves that involve excavation shall be pursuant to the Road Opening Notice requirements of the Council.
4. 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 (2020).

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 Kaipara District Plan.
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) except with the prior approval of the Council.
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).
8. 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 NZS 6803:1999 Acoustics — Construction Noise.
9. CTS 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.
10. CTS 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.
11. The requiring authority shall respond within 15 working days of receiving any request for its written approval under section 176 of the Resource Management Act 1991.

#### 4. 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. CTS has confirmed that it will consult with landowners and occupiers who may be affected by maintenance works, repair, upgrade, or renewal activities to reach fair and reasonable arrangements for entry, and to address any matters regarding effects of maintenance, repair, upgrade, or renewal activities, including restoring the surface of the land following maintenance, in accordance with its relevant obligations under the pipeline easement.
3. This designation traverses earlier Transit New Zealand designations that are protected pursuant to sections 176 and 177 of the Resource Management Act 1991, and State Highways which are protected pursuant to sections 51 and 52 of the Transit New Zealand Act 1989. Where that occurs, the Requiring Authority may only carry out its activities with the written consent of Transit New Zealand.
4. 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.
5. Emergency works may be performed in line with the First Gas Limited advice booklet by excavation to 0.4m depth and thereafter the use of hand tools only. Emergency operations should be notified immediately to First Gas who provide an on-call service outside of normal working hours.
6. An authority may need to be obtained from the Heritage New Zealand Pouhere Taonga to destroy, damage, or modify an archaeological site in accordance with the Historic Places Act 1993.
7. The Requiring Authority may need to seek resource consent from the Northland Regional Council in accordance with the provisions of the Northland Regional Council ~~Water and Soil~~ Regional Plan for Northland.
8. The Kaipara District Council intends to adopt the National Code of Practice for Utilities' Access to the Road and Rail Corridors with the applicable Corridor Access request superseding the Application to trench Across Unsealed or Sealed Road.
9. Where works or activities are proposed on, in or under Council-controlled roads, CTS and the Council will undertake consultation in accordance with the principles of collaboration and coordination contained

in the January 2008 Cabinet paper Management of Utilities' Access to Road, Rail and Motorway Corridors.